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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 4, 2020

Commissioner Jayne Harkins, P.E.
International Boundary and Water Commission, U.S. Section
4191 North Mesa St.
El Paso, TX 79902-1441

Subject: 1944 Treaty Deliveries and Salinity Issues

Dear Commissioner Harkins:

Thank you for meeting with the Texas Commission on Environmental Quality (TCEQ) and other Texas Stakeholders on April 27, 2020. We appreciate the United States International Boundary and Water Commission's (USIBWC) letter to Mexico recently highlighting the 1944 Treaty deficit. It was also encouraging to hear that the USIBWC continues to engage its counterparts in Mexico. I wanted to follow-up our conversations by expanding on some of the concerns Texas expressed in our meeting.

As you know, Mexico has been holding water in its interior reservoirs and not meeting its 1944 Treaty obligations to Texas. As of April 23, 2020, Mexican reservoirs on the named contributing tributaries in the 1944 Treaty were holding 2,229,351 acre/feet (AF), of which 280,434 AF (the pro-rated cycle deficit as of April 18, 2020) belongs to Texas.

Mexico's failure to deliver water to Texas has resulted in decreased allocations of water to Texas' Rio Grande water users. With the start of the growing/watering season and the persistence of drought conditions, farmers need their irrigation water. Impacts are not limited to farmers. Municipalities rely on irrigation water to reduce transportation costs of obtaining municipal water.

In addition, Mexico has reduced storage in the Amistad/Falcon system to just 3.62% or 91,610 AF on April 18, 2020. This precludes full debt or delivery payment through reservoir transfer. It could also reduce the Rio Grande Watermaster's options for addressing salinity issues below Falcon, possibly resulting in Texas releasing extra water in order to dilute high salinity caused by Mexico. This is not a position Texas desires.

Management of water in this manner by Mexico also contributes to increase salinity levels in the Rio Grande below Falcon. Mexico now relies on Marte R. Gomez reservoir to satisfy their demand in that area and has reduced releases from Falcon. Falcon releases help balance salinity in the Rio Grande, particularly when Mexico's El Morillo drain spills. Currently, El Morillo drain continues to operate below the 3 CMS capacity specified in Minute 303, spilling water high in salinity into the Rio Grande. In terms of salinity levels, this has been a multiplying factor to the degradation of the water quality in the Rio Grande below Falcon Dam. IBWC's reports show salinity levels at Anzalduas Dam approaching 1000 mg/L. When salinity rises above 1000 mg/L it begins to impact irrigated crops and municipal water systems.

In our December 2019 meeting with IBWC and Mexico, Mexico committed to making required Treaty deliveries to Texas by March of 2020. Mexico did not fulfill those commitments and, in fact, has fallen further behind on required Treaty deliveries. While there has been unrest in

Mexico, this still does not alleviate the concern that Texas has unfulfilled treaty deliveries and high salinity levels.

With respect to the deficit, Mexico currently has water in its interior reservoirs available to satisfy its current cycle obligation to the United States, and consistent with Minute 234, Mexico should remain current since the last cycle ended in a debt. Mexico should deliver on its obligations under the Treaty and Minutes. We also ask that IBWC have additional engagement with Mexico to ensure that the operation of El Morillo drain is compliant with Minute 303 and ensure all pumps are running and the drain has capacity to deliver the saline water away from the Rio Grande.

I want to stress the importance of these issues to Texas' Rio Grande water users and the TCEQ. I also want to strongly encourage the USIBWC to investigate additional ways to compel Mexico to comply with the 1944 Treaty, including elevating this very important issue to the United States Department of State.

Sincerely,

A handwritten signature in cursive script that reads "Emily Lindley". The signature is written in dark ink and is positioned above the printed name.

Emily Lindley
Commissioner