

By: Lucio III

H.C.R. No. 55

CONCURRENT RESOLUTION

1           WHEREAS, Mexico's failure to fulfill its water deliveries to  
2 the United States according to the stipulations of a 1944 treaty  
3 between the two countries significantly harms the interests of  
4 Texas; and

5           WHEREAS, The Rio Grande is both an interstate and  
6 international river arising in the mountains of Colorado and  
7 flowing in a southerly direction through New Mexico, where it forms  
8 the border between the United States and Mexico beginning near El  
9 Paso; the river is a shared and vital resource providing municipal  
10 water for millions of Texans and irrigation water for hundreds of  
11 thousands of acres in Texas; and

12           WHEREAS, Below Fort Quitman, the waters of the Rio Grande are  
13 apportioned to the United States and to Mexico per the terms of the  
14 1944 Treaty, "Utilization of Waters of the Colorado and Tijuana  
15 Rivers and of the Rio Grande"; Article IV of the treaty requires  
16 that inflows from certain named tributaries of the Rio Grande be  
17 apportioned one-third to the United States and two-thirds to  
18 Mexico; and

19           WHEREAS, The 1944 Treaty specifically requires that "this  
20 third shall not be less, as an average amount in cycles of five  
21 consecutive years, than 350,000 acre-feet (431,721,000 cubic  
22 meters) annually"; Mexico is allowed to deliver less than this  
23 annual average amount of water during a five-year cycle only in the  
24 event of an extraordinary drought, and not all years in a delivery

1 cycle reflect extraordinary drought conditions; and

2 WHEREAS, Many municipal, industrial, and agricultural water  
3 users in Texas rely almost exclusively on these waters from the Rio  
4 Grande for their water supplies; it is thus critical to the state's  
5 interests that, during years in which extraordinary drought is not  
6 present, Mexico take all necessary measures to address accumulated  
7 water delivery deficits; and

8 WHEREAS, During the current five-year delivery cycle, which  
9 began on October 25, 2010, Mexico has failed to deliver an amount of  
10 water equal to the annual average required by the 1944 Treaty, and  
11 the deficit amount so far exceeds 390,000 acre-feet; and

12 WHEREAS, Several irrigation districts in the Lower Rio Grande  
13 Valley of Texas are now projecting they will exhaust their  
14 irrigation water reserves by mid-year 2013 as a result; these same  
15 irrigation districts deliver municipal water to almost all of the  
16 cities in the Lower Rio Grande Valley of Texas; and

17 WHEREAS, The 1944 Treaty requires that the United States  
18 Section of the International Boundary and Water Commission, which  
19 is a subdivision of the United States Department of State, ensure  
20 compliance with the terms of the 1944 Treaty; and

21 WHEREAS, The Texas Commission on Environmental Quality has  
22 conveyed and communicated these issues and concerns to the  
23 International Boundary and Water Commission, and it is vital that  
24 the IBWC and the state department recognize the critical  
25 socioeconomic importance of this issue; now, therefore, be it

26 RESOLVED, That the 83rd Legislature of the State of Texas  
27 hereby respectfully urge the U.S. Department of State and the

1 United States Section of the International Boundary and Water  
2 Commission to take appropriate action to ensure that Mexico  
3 complies with the 1944 Treaty and that it takes all necessary steps  
4 to make deliveries to the United States a priority during its annual  
5 water allocation deliberations; and, be it further

6       RESOLVED, That the Texas secretary of state forward official  
7 copies of this resolution to the secretary of state of the United  
8 States and to the commissioner of the International Boundary and  
9 Water Commission, United States and Mexico.