

Congress of the United States
Washington, DC 20515

May 4, 2023

The Honorable Antony J. Blinken
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Blinken:

The United States and Mexico share water on the Rio Grande based on the “Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande” signed in 1944. Under this treaty, Mexico is expected to deliver an average of 350,000-acre feet of water each year, over a five-year cycle, to fulfill its water contribution on the Rio Grande. However, Mexico repeatedly waits until the end of the five-year cycle to fulfill its water contribution; all while South Texas farmers and water users deal with the negative consequences of not having enough water to grow their crops. *The U.S. government should not overlook our South Texas Community. It should engage with Mexico to ensure Mexico fulfills its obligation to release owed water to the U.S. every year.*

The International Boundary and Water Commission (IBWC) oversees Treaty implementation and is run by a commissioner, appointed by the President of the United States.

The treaty states that “Wherever there are provisions in this this Treaty for joint action or joint agreement by the two Governments, or for the furnishings of reports, studies or plans to the two Governments, or similar provisions, it shall be understood that the particular mater in question *shall be handled by or through the Department of State of the United States and the Ministry of Foreign Relations of Mexico.*”

Article 3 states that in matters in which the Commission may be called upon to make provision for the joint use of international waters, the order of preferences provided as a guide lists domestic and municipal uses as number one, *and agriculture and stock-raising as the second priority.*

The lack of rainfall in 2022 left farmers in South Texas with devastating crop losses and continued dry weather thus far in 2023 will continue to exacerbate crop losses. As farmers in the Lower Rio Grande fight to secure enough water to grow crops, *it is critical that efforts to obtain the water owed to the U.S. under the Water Treaty of 1944 be a priority. It is mission critical time; some agriculture production may cease, and businesses shuttered if water is not released now and every year per the treaty.*

Last month the IBWC Commissioner made a formal request to Mexico for immediate water releases. Additionally, on a recent visit to Mexico, Members of the Texas Congressional delegation expressed concern to Mexican President Andrés Manuel López Obrador. However, the water has still not been released.

We the undersigned Members of Congress ask the U.S. State Department to immediately engage with the IBWC Commissioner to ensure Mexico provides for immediate releases of water owed to Amistad and

Falcon Reservoirs, which flow to South Texas. Additionally, we ask the State Department to work with the IBWC Commissioner to further engage with Mexico through the Minute process to ensure more consistent water releases from this point forward so that this is not a reoccurring concern.

Attached for reference is a letter dated January 31, 2023, from the Texas Commission on Environmental Quality. The statistics referenced in the letter capture the situation as of that date, the water deficits continue to rise.

We look forward to a speedy response on this time-sensitive matter.

Sincerely,



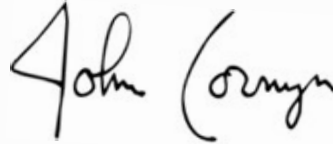
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Member of Congress



Henry Cuellar
Member of Congress



Vicente Gonzalez
Member of Congress



John Cornyn
U.S. Senator



Keith Self
Member of Congress



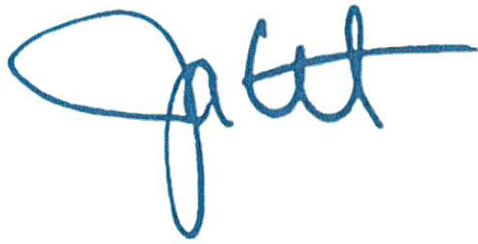
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Michael Cloud
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John Carter
Member of Congress



Jake Ellzey
Member of Congress



Morgan Luttrell
Member of Congress



Colin Allred
Member of Congress

A handwritten signature in blue ink, consisting of the letters 'T', 'G', and 'S' in a stylized, cursive font.

Tony Gonzales
Member of Congress

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 31, 2023

Ramon Macias, III, P.E.
Principal Engineer, Engineering Section
U.S. International Boundary and Water Commission (IBWC)
4191 North Mesa Street
El Paso, Texas 79902-1441

Re: Deficient Water Treaty Deliveries

Dear Mr. Macias:

For years, Mexico has failed to deliver water to the Rio Grande as required by the 1944 Water Treaty with the United States. Last year, Mexico's failure to deliver water at agreed rates—combined with an ongoing drought in South and West Texas—created such severe shortfalls that some Texas communities had fewer than 45 days of water storage on hand.

This dangerous water shortfall was brought to IBWC'S attention in July. At that time, we urged IBWC to work aggressively towards identifying pathways towards current cycle and long-term treaty compliance. Yet IBWC has not compelled Mexico to deliver needed water at agreed levels in accordance with their treaty obligations.

Over six million people rely on reservoirs along the Rio Grande for drinking water. Texans will soon face another summer without water allotments that Mexico is obligated to provide under the 1944 Water Treaty. Those water delivery shortfalls have now reached historic levels. The current 1944 Water Treaty cycle began on October 25, 2020. As of January 21, 2023, Mexico had a prorated water delivery deficit of 453,945 acre-feet. This is the second largest water deficit Mexico has held in the last three decades at this point in the cycle. Last year, water deliveries from Mexico reached historic lows and U.S. water storage levels in the Amistad-Falcon reservoir system declined precipitously.

Meanwhile, as of January 21, 2023, Mexican reservoirs were at a total of 69% average capacity, and three of them above 100% capacity. Further, during the current treaty cycle, the appointed Rio Grande Watermaster allocated water to irrigation users in only 11 of 26 months. In fact, the Watermaster was forced to use water from operational reserves in April, May, and June of 2022 and, for the first time, had to apply negative allocations and use irrigation reserves in July of 2022. If current usage rates or weather conditions do not change, further negative allocations

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Ramon Macias, III, P.E
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could occur this coming summer unless IBWC acts. These unprecedented conditions threaten the health of Texas communities along the Rio Grande and harm local farmers.

Mexico has spent most of the last three decades in a persistent water delivery deficit. IBWC must hold Mexico accountable for its blatant failure to deliver water at agreed upon levels and compel Mexico to adhere to its treaty obligations. Further, Mexico must make immediate deliveries of water and commit to delivering water during the summer months at an elevated level to address their accrued water deficits. Millions of Texans rely on these critical water deliveries. IBWC must discharge its obligations under the 1944 Water Treaty and require Mexico to fulfill hers.

Sincerely,

Carl-Michel LaCaille

Carl-Michel La Calle, Director
Office of Water
Texas Commission on Environmental Quality

cc: Colonel Steven C. McCraw, Director, Texas Department of Public Safety
W. Nim Kidd, Chief, Texas Division of Emergency Management
Mike Novak, Executive Director, Texas Facilities Commission