CONCURRENT RESOLUTION

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

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

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

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

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

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

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

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

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

RESOLVED, That the 83rd Legislature of the State of Texas
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.