

By: Lucio III

H.C.R. No. 135

CONCURRENT RESOLUTION

1 WHEREAS, The United States and Mexico entered into a treaty
2 regarding the utilization of waters of the Colorado and Tijuana
3 Rivers and of the Rio Grande on February 3, 1944; and

4 WHEREAS, Article 4 of the treaty allots to Mexico two-thirds
5 of the flow into the main channel of the Rio Grande from the
6 Upstream Mexican Tributaries, which consist of the Conchos, San
7 Diego, San Rodrigo, Escondido, and Salado Rivers and Las Vacas
8 Arroyo, with one-third allotted to the United States; and

9 WHEREAS, Article 4(B)(c) of the treaty provides that the
10 one-third flow from the Upstream Mexican Tributaries to the United
11 States shall not be less than 350,000 acre-feet per year on an
12 annual average basis over a five-year period; and

13 WHEREAS, Flows from the Upstream Mexican Tributaries enter
14 the Rio Grande below Fort Quitman and above or into the Amistad and
15 Falcon Reservoirs; those flows not only benefit downstream water
16 users in Texas but also provide needed instream flows for
17 recreation and area ecosystems; and

18 WHEREAS, In 2015, the International Boundary and Water
19 Commission and Texas representatives arranged for the commission to
20 accept deliveries from the Rio San Juan, a Mexican tributary below
21 the Falcon Reservoir, which would be credited against delivery
22 obligations from the Upstream Mexican Tributaries, to the extent
23 that those waters could be diverted and utilized by Texas water
24 users; and

1 WHEREAS, By crediting deliveries from the Rio San Juan or
2 other downstream Mexican tributaries, the delivery obligations for
3 the Upstream Mexican Tributaries would be reduced by a three-to-one
4 ratio, since with each acre-foot credited, the stretch of the Rio
5 Grande between Fort Quitman and the Falcon Reservoir is deprived of
6 a total of three acre-feet of needed instream flows; and

7 WHEREAS, Crediting deliveries from the Rio San Juan or other
8 downstream Mexican tributaries against delivery obligations of the
9 Upstream Mexican Tributaries directly contravenes the provisions
10 set forth in the 1944 U.S.-Mexico water treaty; now, therefore, be
11 it

12 RESOLVED, That the 85th Legislature of the State of Texas
13 hereby urge the International Boundary and Water Commission to
14 follow the express terms of the 1944 U.S.-Mexico water treaty in
15 determining which flows are allowed to be credited against delivery
16 obligations for the Upstream Mexican Tributaries; and, be it
17 further

18 RESOLVED, That the Texas Legislature hereby express its
19 opposition to the International Boundary and Water Commission
20 providing further credits to Mexico for water deliveries from the
21 Rio San Juan or other downstream Mexican tributaries against
22 Mexico's delivery obligations from the Upstream Mexican
23 Tributaries; and, be it further

24 RESOLVED, That the Texas secretary of state forward official
25 copies of this resolution to the Texas governor, the Texas Water
26 Development Board, the Texas Commission on Environmental Quality,
27 and the International Boundary and Water Commission.