

BILL ANALYSIS

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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Relating to urging the U.S. Department of State and the United States Section of the International Boundary and Water Commission to take appropriate action to ensure that Mexico complies with the 1944 Treaty regarding shared water resources.

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.

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.

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.

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.

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.

Mexico has failed to comply with its obligations under this treaty regularly over the last three decades, and it is now significantly behind in fulfilling them; in the current cycle, Mexico is 984,814 acre-feet in arrears.

During the past 10 years, Mexico has expanded crop production in Chihuahua, resulting in the use of water volumes exceeding the annual average Mexico agreed to deliver under the treaty; this increase has directly impacted water availability for downstream users in the RGV, creating economic and environmental concerns; the water reserves in the Amistad and Falcon reservoirs are at historically low levels; shortages have disrupted key sectors, leading to the loss of sugarcane production, significant reductions in fruit and vegetable farming, and stalled housing developments; the only sugar mill in Texas closed permanently in 2024; moreover, rural municipalities have been forced to purchase water from outside districts, incurring up to 60 percent higher monthly costs.

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.

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.

RESOLVED

That the 89th Legislature of the State of Texas hereby respectfully urge the U.S. Department of State and the United States Section of the International Boundary and Water Commission to take appropriate action to ensure that Mexico complies with the 1944 Treaty regarding shared water resources and that they take all necessary steps to make deliveries to the United States a priority during annual water allocation deliberations.

That the Texas secretary of state forward official copies of this resolution to the U.S. secretary of state and to the commissioner of the International Boundary and Water Commission, United States and Mexico.