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H.C.R. No. 77

#### 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  
9 El Paso; the river is a shared and vital resource providing  
10 municipal water for millions of Texans and irrigation water for  
11 hundreds of 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, Mexico has failed to comply with its obligations  
9 under this treaty regularly over the last three decades, and it is  
10 now significantly behind in fulfilling them; in the current cycle,  
11 Mexico is 984,814 acre-feet in arrears; and

12 WHEREAS, During the past 10 years, Mexico has expanded crop  
13 production in Chihuahua, resulting in the use of water volumes  
14 exceeding the annual average Mexico agreed to deliver under the  
15 treaty; this increase has directly impacted water availability for  
16 downstream users in the RGV, creating economic and environmental  
17 concerns; the water reserves in the Amistad and Falcon reservoirs  
18 are at historically low levels; shortages have disrupted key  
19 sectors, leading to the loss of sugarcane production, significant  
20 reductions in fruit and vegetable farming, and stalled housing  
21 developments; the only sugar mill in Texas closed permanently in  
22 2024; moreover, rural municipalities have been forced to purchase  
23 water from outside districts, incurring up to 60 percent higher  
24 monthly costs; and

25 WHEREAS, The 1944 Treaty requires that the United States  
26 Section of the International Boundary and Water Commission, which  
27 is a subdivision of the United States Department of State, ensure

1 compliance with the terms of the 1944 Treaty; and

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

7 RESOLVED, That the 89th Legislature of the State of Texas  
8 hereby respectfully urge the U.S. Department of State and the  
9 United States Section of the International Boundary and Water  
10 Commission to take appropriate action to ensure that Mexico  
11 complies with the 1944 Treaty regarding shared water resources and  
12 that they take all necessary steps to make deliveries to the United  
13 States a priority during annual water allocation deliberations;  
14 and, be it further

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