

By: Hinojosa of Nueces, et al.

S.C.R. No. 13

SENATE 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

1 event of an extraordinary drought, and not all years in a delivery
2 cycle reflect extraordinary drought conditions; and

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

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

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

26 WHEREAS, The 1944 Treaty requires that the United States
27 Section of the International Boundary and Water Commission, which

1 is a subdivision of the United States Department of State, ensure
2 compliance with the terms of the 1944 Treaty; and

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

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

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