

Hicks-Ray Associates



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TO: WESTCAS Membership

FROM: Hicks-Ray Associates

SUBJECT: The Complexities of Water Supply in the Arid West

The State of Texas is asking the US Supreme Court to rule on whether New Mexico is illegally diverting water from the Rio Grande and depriving Texas of its rightful share of the river. The controversy over the Rio Grande is now the subject of recent legislation introduced in the House and Senate which addresses similar claims made by Texas against Mexico.

Texas Senators Cornyn and Cruz introduced S. 1125, on June 10, 2013. This is the; “Working to address Treaty Enforcement Rapidly for Texas Act.” HR 2307 is companion legislation introduced in the House by Representative Vela, with Representatives McCaul, Conaway, and Cuellar as co-sponsors.

S. 1125/HR2307 provide that: “45 days after passage and quarterly thereafter, Mexico is to meet treaty obligations to deliver water to the Rio Grande in accordance with the Treaty, Utilization of Water of the Colorado and Tijuana Rivers and of the Rio Grande,” signed in Washington DC on February 3, 1944. The legislation further mandates: “The Secretary [of State] shall not extend Minute number 319 if the Secretary fails to comply with the requirements of the Act.”

“Minute 319” is an agreement between the United States and Mexico signed on November 20, 2012 which amends the original 1944 treaty to address the needs of both countries. The US is concerned with how the Colorado can meet future demand, especially during times of drought. Mexico is concerned with a lack of storage space in their country to hold their allocation of Colorado River water and also with repairing severe damage to their water infrastructure caused by a 2010 earthquake in the Mexicali Valley.

“Minute 319” seeks to address all these concerns with Mexico agreeing not to draw its full allocation of Colorado River water during times of drought in the US. The United States agrees to allow Mexico to store a portion of its allocation in Lake Mead until it is needed and also to invest in needed infrastructure repairs in the Mexicali Valley. This involves water resource agencies such as the Metropolitan Water District, the Southern Nevada Water Corporation, and the Central Arizona Project investing \$10,000,000 in the agreement with the Bureau of Reclamation providing an additional \$11,000,000.

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S. 1125/HR 2307 proposes pulling the plug on Minute 319 until Mexico begins meeting its treaty obligations to deliver water to the Texas portion of the Rio Grande. But what is designed to provide an incentive to meet treaty obligations with regard to the Rio Grande in Texas would be very bad news for the Bureau of Reclamation and water agencies in California, Nevada, and Arizona who have so recently hammered out a promising multi-national, multi-state water arrangement for the Lower portion of the Colorado River.

This is yet another reminder that with water resource issues, the hip bone is connected to the thigh bone and regardless of whether this is convenient or not.