



TEXAS HOUSE OF REPRESENTATIVES COMMITTEE ON NATURAL RESOURCES

LYLE LARSON, CHAIR

July 2, 2018

The Honorable Donald Trump
President of the United States
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Trump:

For decades, the United States has failed to hold Mexico accountable for its violations of the 1944 Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande ("1944 Treaty" or "Treaty"), which continues to negatively impact the economy along our southern border.

Under the 1944 Treaty, Mexico is required to deliver 350,000 acre-feet of Rio Grande water on a consistent basis to Texas, though it seldom complies, frequently abusing a provision that exempts compliance if they claim "extraordinary drought or serious accident", and leaving farmers and cities in the Rio Grande Valley at the mercy of their release schedule. Meanwhile, the United States has a spotless record honoring its obligation under the Treaty to provide 1.5 million acre-feet from the Colorado River, nearly five times the amount of water, to Mexico.

This has had an adverse impact, not only on Texas, but also on the Colorado River lower basin states of California, Nevada and Arizona, which have moved heaven and earth to meet its obligations under the Treaty in spite of unprecedented drought, as reflected in the historically low elevations in Lake Mead. The unfair and one-sided adherence to the Treaty has allowed agricultural economies to flourish in Mexico, and meanwhile, has caused economic hardship for irrigators and cities in the Rio Grande Valley who depend on this water supply. According to a recent study by the Texas A&M Agrilife Extension Service, the loss of irrigated crop production in the Lower Rio Grande Valley region due to water shortages will result in an estimated \$343.5 million loss in economic output over a five-year period.

This issue should not go unaddressed as we work through challenges with our southern neighbor on immigration, trade, and other issues. Attached is an unanswered letter to Secretary Pompeo further explaining the issue and imploring him to direct the Commissioner you choose to appoint to the International Boundary and Water Commission to better represent the United States' interests in regards to the Treaty.

Undoubtedly, this is the most egregious violation of any treaty the United States is involved in and adversely impacts the lives of Americans daily. Mexico has taken advantage of the United States over the last three decades to the detriment of the folks in the western United States and along the Rio Grande Valley in Texas. Accordingly, the 1944 Treaty should be renegotiated, or the United States should stop delivering water to Mexico until they reciprocate and commit to a firm water delivery schedule going forward.

Thank you for your consideration. Current and future generations of Texans and folks in the Colorado River lower basin states will appreciate your leadership on this issue.

Best,

A handwritten signature in black ink, appearing to read "Lyle Larson".

Lyle Larson

DADE PHELAN, VICE-CHAIR

TRENT ASHBY • DEWAYNE BURNS • JAMES FRANK • KYLE KACAL • TRACY O. KING • EDDIE LUCIO III • PONCHO NEVÁREZ • FOUR PRICE • PAUL WORKMAN

P.O. BOX 2910 • AUSTIN, TEXAS 78768-2910 • (512) 463-0802

Cc: The Honorable Mike Pompeo, U.S. Secretary of State
The Honorable John Cornyn, U.S. Senate, Texas
The Honorable Ted Cruz, U.S. Senate, Texas
The Honorable Vicente Gonzalez, 15th Congressional District of Texas U.S. House of Representatives
The Honorable Beto O'Rourke, 16th Congressional District of Texas, U.S. House of Representatives
The Honorable Will Hurd, 23rd Congressional District of Texas, U.S. House of Representatives
The Honorable Henry Cuellar, 28th Congressional District of Texas, U.S. House of Representatives
The Honorable Filemon Vela, 34th Congressional District of Texas, U.S. House of Representatives
The Honorable Dianne Feinstein, U.S. Senate, California
The Honorable Kamala Harris, U.S. Senate, California
The Honorable Juan Vargas, 51st Congressional District of California, U.S. House of Representatives
The Honorable Catherine Cortez Masto, U.S. Senate, Nevada
The Honorable Dean Heller, U.S. Senate, Nevada
The Honorable Mark Amodei, 2nd Congressional District of Nevada U.S. House of Representatives
The Honorable Jacky Rosen, 3rd Congressional District of Nevada, U.S. House of Representatives
The Honorable Ruben Kihuen, 4th Congressional District of Nevada, U.S. House of Representatives
The Honorable John McCain, U.S. Senate, Arizona
The Honorable Jeff Flake, U.S. Senate, Arizona
The Honorable Martha McSally, 2nd Congressional District of Arizona, U.S. House of Representatives
The Honorable Raul Grijalva, 3rd Congressional District of Arizona, U.S. House of Representatives



TEXAS HOUSE OF REPRESENTATIVES COMMITTEE ON NATURAL RESOURCES

LYLE LARSON, CHAIR

May 22, 2018

The Honorable Mike Pompeo
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Pompeo,

We request that the Department of State take action to hold Mexico accountable for its violations of the 1944 Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande ("1944 Treaty"), which continues to negatively impact the economy along our southern border.

My office, as well as Senator Cornyn, Senator Cruz and members of the congressional delegation representing the Rio Grande Valley, wrote letters to your predecessor about this critical issue for Texas with little response. Instead, Mexico has continued to fall behind on its water deliveries to Texas, while our state has slipped into a drought, exacerbating the effects of water shortages in the region. With a transition in leadership in progress at the International Boundary and Water Commission, U.S. Section ("IBWC"), it's time to reevaluate the effectiveness of our strategy and work with Mexico to provide consistent water deliveries to south Texas, or withhold U.S. water deliveries to Mexico. This administration has the opportunity to correct Mexico's decades-long violation of this treaty, which in its current application, is a bad deal for the states in the Rio Grande basin and the Colorado River basin.

The 1944 Treaty was created to provide for releases of Colorado River water from the western United States into Mexico for farming, municipal and industrial purposes. In return, Mexico is required to reciprocate by releasing water into the Rio Grande that is stored in two international reservoirs along the Texas-Mexico border, Lake Amistad and Falcon Lake, for agricultural and municipal use in the Rio Grande Valley.

Both of these rivers are imbedded in the same treaty for a reason. The spirit of the agreement is to encourage good behavior by both countries. If one country decides to withhold water from the other country, for whatever reason, the country that is adversely impacted could simply stop delivering water. Unfortunately, the brilliance of the architects of the treaty has been forgotten and conveniently the federal governments now negotiate each country's respective water obligation separately, eliminating our only enforcement mechanism.

The folks in the Colorado River basin in the western United States deliver 1.5 million acre-feet of Colorado River water annually to Mexico in spite of unprecedented depletions due to drought, population growth, and agricultural needs. Their impeccable compliance with the treaty even in the driest conditions is commendable. California, Arizona, Nevada have worked to negotiate painful cutbacks in Colorado water, meanwhile, downstream, Mexico continues to have its full allotment delivered in a timely manner.

DADE PHELAN, VICE-CHAIR

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On the Rio Grande, Mexico is seldom in compliance in releasing the requisite 350,000 acre-feet of water from the Rio Concho and other tributaries in Mexico into the Rio Grande, on an annual basis, to Texas. This has created economic hardship on the farmers in the Rio Grande Valley who have depended on that water for irrigation for decades. According to a study by the Texas A&M Agrilife Extension Service, the loss of irrigated crop production in the Lower Rio Grande Valley region due to water shortages would lead to an estimated \$343.5 million loss in economic output over a five-year period.

The State Department has final say over any joint agreement dealing with any treaty between our countries and should give direction to the next Commissioner of the IBWC, U.S. Section to enforce the treaty by withholding water deliveries to Mexico on the Colorado River in order to ensure Mexico's compliance with water deliveries on the Rio Grande.

Thank you for your consideration.

Best,

A handwritten signature in black ink, appearing to read 'Lyle Larson', with a stylized, cursive script.

Cc: Mr. Jose A. Nuñez, Acting Commissioner, IBWC, U.S. Section