

MEXICO

Colorado River Salinity

*Agreement effected by minute no. 241 of the International Boundary and Water Commission, United States and Mexico Adopted at El Paso July 14, 1972;
Entered into force July 14, 1972.*

INTERNATIONAL BOUNDARY AND WATER COMMISSION UNITED STATES AND MEXICO

El Paso, Texas,
July 14, 1972.

MINUTE NO. 241

RECOMMENDATIONS TO IMPROVE IMMEDIATELY THE QUALITY OF COLORADO RIVER GOING TO MEXICO.

The Commission met in the offices of the United States Section, in El Paso, Texas, at 12:00 o'clock noon on July 14, 1972, in accordance with the instructions which the two Governments issued to their respective Commissioners pursuant to the understanding between President Richard Nixon and President Luis Echeverria expressed in their Joint Communique of June 17, 1972,¹ which with respect to the salinity problem, states:

“Regarding the problem of the salinity of the Colorado River, President Echeverria told President Nixon that Mexico reiterates its position as regards receiving its assignment of original waters from the Colorado River, to which the Treaty of February 3, 1944 refers, and therefore, with the same quality as those derived from Imperial Dam.

“To this, President Nixon replied that this was a highly complex problem that needed careful examination of all aspects. He was impressed by the presentation made by President Echeverria and would study it closely. It was his sincere desire to find a definitive, equitable and just solution to this problem at the earliest possible time because of the importance both nations attach to this matter.

As a demonstration of this intent and of the goodwill of the United States in this connection, he was prepared to:

- (a) undertake certain actions immediately to improve the quality of water going to Mexico;
- (b) designate a special representative to begin work immediately to find a permanent, definitive and just solution of this problem;

¹ Department of State Bulletin, July 10, 1972, p66

(c) instruct the special representative to submit a report to him by the end of this year;

(d) submit this proposal, once it has the approval of this Government to President Echeverria for his consideration and approval.

"President Echeverria said that he recognized the goodwill of President Nixon and his interest in finding a definitive solution to this problem at the earliest possible time. He added that based on two recent trips to the Mexicali Valley and his talks with farmers there, his Government, while reserving its legal rights, had decided to stop using waters from the Wellton-Mohawk project for irrigation purposes while waiting for receipt of the United States proposal for a definitive solution.

"Both Presidents agreed to instruct their Water and Border Commissioners to prepare and sign a Minute containing the above program and commitments as soon as possible."

The Commission, on the basis of the understandings expressed in the Joint Communique, adopts, subject to the approval of the two Governments, the following

Resolution:

1. That, commencing on the date of the approval of the present Minute, the United States take the measures described in points 2 and 3 of this resolution, to improve the quality of the waters of the Colorado River made available to Mexico at the Northerly Boundary, which it is estimated will reduce the salinity of such waters by at least 100 parts per million as an annual mean, compared with the mean annual salinity of the waters made available to Mexico at the Northerly Boundary in calendar year 1971, under Minute No.218; such improvement in quality which may be achieved by discharging to the Colorado River below Morelos Dam the part of the drainage waters from the Wellton-Mohawk District described in point 5 of this resolution.

2. That the United States continue to operate and maintain, at its expense, the extension of the Wellton-Mohawk District's drainage water conveyance channel and its control structures, constructed pursuant to Recommendation of Minute No. 218.

3. That, commencing on the date of approval of the present Minute, the United States discharge to the Colorado River downstream from Morelos Dam volumes of drainage waters from the Wellton-Mohawk District at the annual rate of 118,000 acre-feet (145,551,000 cubic meters) and substitute therefor equal volumes of other waters, to be discharged to the Colorado River above Morelos Dam, with the understanding that during the second six months of 1972, the United State discharge the volume of 73,000 acre-feet (90,044,000 cubic meters) of drainage waters from the Wellton-Mohawk District down stream from Morelos Dam and substitute therefore an equal volume of other waters to be discharged above Morelos Dam.

4. That Mexico's requests for deliveries in the limitrophe reach of the Colorado River be not less than 900 cubic feet (25.5 cubic meters) per second, excluding the flows charged as part of

Mexico's allotment under the Water treaty of February 3, 1944, in accordance with Minute No.240, for emergency deliveries to the City of Tijuana.

5. That, pursuant to the decision of President Echeverria, expressed in the Joint Communique, the United States discharge to the Colorado River downstream from Morelos Dam, the remaining volume of drainage waters of the Wellton-Mohawk District, which do not form part of the volume of the drainage waters referred to in point 3 of this resolution, with the understanding, that this remaining volume will not be replaced by substitution waters.

6. That, subject to the reservations of point 9 of this resolution, the Commission account for the drainage waters of the Wellton-Mohawk District referred to in points 3 and 5 of this resolution as a part of those described in the provisions of Article 10 of the Water Treaty of February 3, 1944.

7. That the present Minute remain in effect until December 31, 1972.

8. That the present Minute be expressly approved by both Governments and enter into force upon such approval.²

9. That the provisions of the present Minute not constitute any precedent, recognition or acceptance affecting the rights of either country with respect to the Water Treaty of February 3, 1944, and the general principles of law.

10. That the life of Minute No. 218 of the International Boundary and Water Commission, as extended by exchange of notes dated November 15, 1971, terminate on the date that the present Minute enters into force.

The meeting adjourned.

² July 14,1972