DUPLICATE ORIGINAL

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

Ciudad Juarez, Chihuahua
July 28, 2003

Minute No. 310

EMERGENCY DELIVERY OF COLORADO RIVER WATER FOR USE IN TIJUANA, BAJA CALIFORNIA

The Commission met in the offices of the Mexican Section in Cd. Juarez, Chihuahua at 1:00 p.m. on July 28, 2003, to consider a standby emergency arrangement to deliver to Tijuana, Baja California, a portion of Colorado River waters allotted to Mexico under the "United States - Mexico Treaty for Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande," signed February 3, 1944, based on the principles established in International Boundary and Water Commission Minute No. 240, entitled, "EMERGENCY DELIVERIES OF COLORADO RIVER WATERS FOR USE IN TIJUANA" dated June 13, 1972, as subsequently amended and extended.

The Commissioners considered the information provided by Mexico's National Water Commission and the State of Baja California that a low level in the Tijuana water supply reserves and problems in that city's water distribution infrastructure portend partial supply shortage periods in the next five years, while the State of Baja California, through the Tijuana State Public Services Commission (CESPT), completes improvements to that infrastructure and undertakes longer term water supply works to meet the needs of its growing population. The Commissioners observed that the connection constructed to enable emergency water deliveries to Mexico at the international land boundary at Otay Mesa - Mesa de Otay, under Minute No. 240, as subsequently amended and extended, was rehabilitated at a cost to Mexico for the emergency deliveries to resume and continue, also at a cost to Mexico.

The U.S. Commissioner informed that the United States Bureau of Reclamation (USBR), and the San Diego County Water Authority (SDCWA), the Metropolitan Water District of Southern California (MWD), and the Otay Water District (the latter three together hereinafter called the California agencies), which own and operate the conveyance system from Parker Dam on the Colorado River to the Otay Water District, are able and willing, in principle, to make the emergency water deliveries to Tijuana, B.C. in the volumes and periods as estimated by the CESPT, to avoid the water supply shortages. The deliveries would be for five years commencing in 2003. The U.S. Commissioner informed that the amount of deliveries would be subject to review each year and that the cost to Mexico would be equivalent to that charged to United States customers in that area. He further informed that the deliveries would be made to the extent that those deliveries do not affect the delivery or discharge of water to the United States customers. The

Commissioners discussed the fact that pursuant to Article 15 of the 1944 Water Treaty the volume of water delivered and the system conveyance losses will be charged against the total volume of the Colorado River water allotted to Mexico under that Treaty. The Mexican Commissioner indicated that the Government of Mexico would assure that the CESPT pays any and all financial costs incurred in making the water deliveries.

The Commissioners reviewed the enclosed "Joint Report of the Principal Engineers to Facilitate Emergency Delivery of Colorado River Water for Use in Tijuana, Baja California" of United States Section Principal Engineer Debra J. Little and Mexican Section Principal Engineer Luis Antonio Rascón Mendoza, signed on July 11, 2003, developed in furtherance of the above considerations. The Commissioners found the recommended procedures for making the emergency deliveries, initially in 2003, to be satisfactory. They also concluded that for subsequent years, the request for deliveries will be made by September 15 of each preceding year so that the United States Section can consult with the USBR and the California Agencies to determine whether the United States is able to make the requested deliveries and, if so, at what cost to Mexico. Finally, they concluded that in the event that the U.S. is able to make such deliveries, the Principal Engineers would develop a delivery plan for the following year, using the procedures in the referenced Joint Report.

Based on the foregoing, the Commissioners adopted the following resolutions, subject to the approval of the two Governments:

1. That the Government of the United States and the Government of Mexico adopt a standby emergency arrangement for a five year period, subject to review each year and in a manner that does not affect the delivery or discharge of water to the United States customers, for the delivery at the international land boundary to Tijuana, Baja California, of a portion of Colorado River waters allotted to Mexico in the "Treaty between the United States of America and Mexico for Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande", signed on February 3, 1944, under which the Government of Mexico will assure that payment is made by CESPT, in advance of each delivery, of any and all financial costs incurred in making the water deliveries at a cost to Mexico that is equivalent to that charged to United States customers in that area. The deliveries will be made in accordance with procedures adopted by the International Boundary and Water Commission.

2. That the International Boundary and Water Commission adopt the water delivery procedures recommended in the "Joint Report of the Principal Engineers to Facilitate Emergency Delivery of Colorado River Water for Use in Tijuana, Baja California," signed by Principal Engineer Debra J. Little of the U.S. Section and Principal Engineer Luis Antonio Rascón Mendoza of the Mexican Section on July 11, 2003,

such report to form an integral part of this Minute.

3. That all activities undertaken pursuant to this Minute shall be subject to the availability of funds, resources, and corresponding personnel as well as to applicable laws and regulations in each country.

4. That this Minute shall enter into force upon notification of approval by the Government of the United States of America and the Government of the United Mexican States through the respective Sections of the Commission.

The meeting was adjourned.

Carlos Marin
Acting United States Commissioner

J. Arturo Herrera Solís
Mexican Commissioner

Carlos Peña, Jr.
United States Section Secretary

José de Jesús Luévano Grano
Mexican Section Secretary