

U.S. House of Representatives – Subcommittee on Water and Power  
Testimony: Rio Grande Water Security  
Brownsville, Texas 5-3-2002

The Rio Grande Valley, due to its unique climate, soil, and river delta characteristics, has been a nationally recognized area for agricultural production. Citrus, sugar cane, vegetables, corn, melons, cotton, grain, etc. have been produced in this region for years and this production is the fuel which drives the regional economy. Population has literally exploded in this area and it now has one of the fastest growth rates in the United States. Because of having a semi-arid climate, the key to the continued prosperity and growth in South Texas is the assurance of an adequate water supply.

The only viable source of fresh water for use in this region is from the Rio Grande River. This source of water is supposedly protected by the provisions of the 1944 Water Treaty between the U.S. and Mexico. This Treaty is essential to certain geographical areas in each nation that depend upon water supplies produced within the boundaries of the other nation. The U.S. is obligated to furnish northwestern Mexico a minimum amount of water yearly from the Colorado River and Mexico, in return, is obligated to furnish South Texas a minimum amount of water in a 5 year timeframe. Obviously, this Treaty benefits each nation in respective regional areas that do not have alternative water sources. As a note, the U.S. has never failed to meet its Treaty obligations to Mexico on the Colorado River provisions.

Unfortunately, since 1992 Mexico has failed to meet its Treaty obligations and now owes the U.S. over 1,400,000 acre-feet of water. Mexico claims that the deficit was caused by “extraordinary drought” which is very debatable due to the findings of the Brandes Report that faults Mexico’s drought assertion. During the timeframe in question, Mexico experienced over 80% of its normal rainfall, had an aggregate of over 7 million acre-feet of water remaining in its interior reservoirs after each year’s growing season was completed, and had numerous years when water was stored in the flood pool in the last reservoir on the Rio Conchos River before it reaches the Rio Grande. These events contradict Mexico’s assertion that it did not have available water to meet Treaty obligations. Yet, even with this documentation, the U.S. State Department would not challenge Mexico on its position. Furthermore, Mexico has recently stated that the first cycle deficit has been repaid and it now has another 5 years to pay off this current 5-year cycle deficit. This action is not allowed because of Minute Order 234, which specifically states that Mexico must stay current in present water obligations while paying off a preceding cycle deficit. This language is crucial because it prevents Mexico from rolling a deficit over from cycle to cycle.

The failure of Mexico to provide its obligated Treaty water has devastated the Region’s economy. Texas A & M University has calculated that the economic losses directly attributable to this amount of unavailable water has amounted to \$1,000,000,000. Being one of the poorest regions in the U.S., this type of economic loss is extremely hard to swallow. Farmers have gone out of business and others are on the brink. The repercussions from these failures have negatively affected the lives of all residents who live in the region. Due to the lowest water reserves on hand since this inequity began, this year will be the most damaging of all.

Regional stakeholders have pleaded to the State Department and past and present Administrations to take the necessary actions to force Mexico into compliance. These entities were warned that if aggressive water repayments were not implemented by Mexico, the scenario would eventually take place where Mexico would not be able to pay its debt within the remaining Treaty deadline date. The State Department did not heed our warnings and this predicted scenario has now arrived. Mexico opted to gamble that Mother Nature would provide a climatic event that would fill the reservoirs within the current 5 year Treaty cycle. This gamble has failed and Mexico is now trying to escape its obligations by ignoring Minute Order 234 and

claiming it has another 5 years to pay off its existing debt. If our Federal Government had forced Mexico into aggressive water repayments years ago as we urged, this unprecedented scenario would not now exist. Are U.S. citizens now to suffer the consequences because of the failure of our Government to force compliance? We believe that it is just as important for the Federal Government to prevent a Treaty violation from occurring, as it is to react after a violation has occurred. As of present, Mexico still has not addressed repayment and the deficit has continued to grow. Many farmers are now out of irrigation water and the consequences are evident – financial ruin. At the same time, agricultural production in Chihuahua is booming and record yields have been reported by Mexican authorities. The success of this area in Mexico is directly the result of the illegal diversion of obligated Treaty water to produce these record yields. For years, the State Department has been notified that this unprecedented Mexican action has been taking place but no corrective actions have come from Washington.

The Region's state mandated 50-year water plan to meet future water needs was based upon receiving the Treaty obligated water from Mexico. This plan is now invalid if these obligated waters will not be made available. Without these water sources, agricultural water supplies will no longer be sufficient to meet the conversion to municipal use. Being one of the fastest growing regions in the U.S., municipal water demands are escalating tremendously. Full Treaty compliance is mandatory if these municipal needs are to be fulfilled.

Without forced insistence from the U.S. Government, Mexico will never meet its Treaty obligations in the future under normal climatic conditions. Agricultural water needs in the State of Chihuahua now exceed what the watershed will produce due to its over expansion of farming acreage and still be able to meet Treaty obligations. This over expansion of farmland in Chihuahua not only has caused Treaty obligated waters to be withheld from the U.S. but also to other Mexican states downstream on the Rio Grande. Mexico has admitted that it does not have a water management plan in use on the interior Mexican watersheds that takes Treaty obligations into consideration. Past Treaty compliance was by accident instead of purposely planned. Basically, adequate rainfall fell in areas where Mexico could not capture it behind their numerous reservoirs.

It is somewhat perplexing that Washington may be willing to sacrifice a U.S. regional area being illegally exploited by Mexico in order to further other agenda items between the two nations. It would be more understandable if Mexico's illegal acts benefited its nation as a whole instead of just one agricultural region in one Mexican state. The question should be why would Mexico act illegally to only promote an isolated interior area and risk other agenda items that affect its entire nation? The answer is obvious – Mexico will continue to illegally divert Treaty obligated waters to benefit one agricultural region because of the lack of punitive actions from the U.S. Government.

Mexico continually uses existing drought conditions as the reason to justify its water debt position. The most important reason to have a water treaty in force is to have the legal right to water in times of climatic shortages. Why have a water treaty if ample water supplies are always available to both parties. Drought alone is not the reason for Mexico's water deficit. Instead, it is because of having no water management strategy in practice which has resulted in the over use of water to meet over expansion in the State of Chihuahua. California, Arizona, Nevada, and other western states have experienced crippling droughts in the past, but prudent water management and forced Federal insistence has insured that U.S. water obligations to Mexico were always fulfilled on the Colorado River system. Obviously, these western states would love to have the water that is obligated for Mexico. The U.S. Government would act swiftly to prevent a western state from diverting the Treaty water. Yet, the Mexican Federal Government has not acted to prevent the State of Chihuahua from illegally doing the very exact thing.

The Subcommittee on Water and Power has the ability to expose this unprecedented crisis facing this U.S. region to the full House of Representatives. Due to the lack of adequate addressment by the State Department and Administration, hopefully this legislative branch of the U.S. Government will explore ways

to pressure resolution to the impasse. We are regional U.S. citizens who solely depend upon the fully executed mutual provisions of a ratified international Treaty in order to survive and prosper. Likewise, regional northwestern Mexican citizens also depend upon the same 1944 Treaty for their sole water source from the Colorado River. They have never been illegally denied this water by the U.S. We are at the mercy of our Federal Government to force Mexico into compliance on the Rio Grande provisions of the same Treaty. Your immediate attention is urgently needed and most appreciated. Time is of the essence!

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