



● **Board of Directors**  
***Water Planning and Stewardship Committee***

8/17/2010 Board Meeting

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**9-3**

**Subject**

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Report on development of Binational Water Management Proposal.

**Description**

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This letter describes recent discussions within the United States and with the Republic of Mexico that could lead to implementation of mutually beneficial Colorado River management measures with potential benefits for Metropolitan.

Metropolitan is engaged with other Colorado River Basin states' representatives and representatives from the United States, including the Bureau of Reclamation, to pursue a binational water management agreement providing for mutually beneficially cooperative measures. The United States and Mexico have approved the June 17, 2010, Minute 317 of the International Boundary and Water Commission (IBWC) establishing a conceptual framework for binational discussions on Colorado River cooperative actions ([Attachment 1](#)). The Minute formalizes a process for stakeholder participation through various binational groups to explore potential areas of cooperation, and to consider projects or initiatives of interest to both countries such as those related to water conservation, new water sources, system operations, and the environment.

Representatives from both countries are motivated to reach an agreement that would be finalized in a new IBWC Minute, later this year. As a result of infrastructure damage sustained during the April earthquakes in the Mexicali Valley, Mexico has expressed interest in storing water in the United States this year, and agreement on a Minute would facilitate that action.

Specific items being addressed for proposed international cooperation include:

1. Mexico sharing in shortages with the United States. The 2007 Record of Decision that was adopted by the Secretary of the Interior described how reduced water deliveries would be allocated in the United States during a shortage condition, but did not specify the amount of water that would be delivered to Mexico. The current proposal would establish criteria for reduced water deliveries to Mexico for an interim period. Any reduction in water deliveries to Mexico would be considered "voluntary" and not a definition of "extraordinary drought", a condition under which the water allotted to Mexico is reduced under the Treaty.

2. Mexico storing water in United States' reservoirs. Agencies in the United States are allowed to store conserved water in Lake Mead for future use, upon approval of a plan for the creation of Intentionally Created Surplus by the Secretary of the Interior. Metropolitan has been the most active user of this program. The current proposal outlines conditions under which Mexico could also store and recover water from reservoirs in the United States.
3. Mexico sharing in surplus deliveries with the United States. Mexico has expressed an interest in sharing in surplus deliveries that are provided to users in the United States. The Basin states are evaluating options that could provide some additional water to Mexico without adversely impacting water users in the United States, potentially following the release of water for flood control purposes.
4. Investing in Mexican water projects. Mexico has expressed interest in providing an opportunity for agencies in the United States to partner with Mexico on water projects and initiatives and share in a portion of the water conserved or created. Potential water management measures could include water conservation and desalination projects, land fallowing programs, and joint environmental projects.
5. Salinity. When water deliveries to Mexico would be reduced, due to the storage of Mexican water in the United States or the exchange of water with United States users as a result of an investment in a project in Mexico, it would become more difficult for the United States to meet the annual average salinity requirement for water delivered to Mexico upstream of Morelos Dam. Both the United States and Mexico are aware of the issue and are discussing potential approaches.
6. Term. The term of any agreements would be consistent with the 2007 Interim Guidelines that govern coordinated reservoir operations in the United States and Lower Basin shortages. For example, storage could continue through 2026, and the term for certain projects, such as partnerships in desalination projects, could be extended on a case-by-case basis.

Staff will continue to participate in these discussions and work with the Basin States and federal agencies on potential water management opportunities that could benefit Metropolitan.

## **Policy**

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By Minute Item 41222, dated January 10, 1995, and revised January 10, 2000, the Board adopted a set of Colorado River Basin Management Policy Principles that include continuing to seek ways to increase the reliability of Metropolitan's Colorado River supplies and collaborate with the other Colorado River Basin states and the Department of the Interior on innovative strategies requiring interstate cooperation.

By Minute Item 42820, dated February 10, 1998, the Board approved a policy principle to protect Metropolitan's interests and increase its dependable entitlements to Colorado River water, while collaborating with other California Colorado River agencies.

By Minute Item 47327, dated December 11, 2007, the Board authorized the General Manager to enter into agreements related to implementation of Reclamation's Interim Guidelines for the coordinated operations of Lake Powell and Lake Mead.

**Fiscal Impact**

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None

  
Deven N. Upadhyay  
Manager, Water Resource Management

8/2/2010  
Date

  
Jeffrey Lightlinger  
General Manager

8/3/2010  
Date

**Attachment 1 – International Boundary and Water Commission Minute No. 317, Conceptual Framework for U.S. – Mexico Discussions on Colorado River Cooperative Actions**

Ref# wrm12606955

**INTERNATIONAL BOUNDARY AND WATER COMMISSION  
UNITED STATES AND MEXICO.**

**June 17, 2010  
Ciudad Juárez, Chihuahua**

**Minute No. 317**

**CONCEPTUAL FRAMEWORK FOR U.S.-MEXICO DISCUSSIONS ON  
COLORADO RIVER COOPERATIVE ACTIONS**

The Commission met at the offices of the Mexican Section in Ciudad Juarez, Chihuahua at 10:00 a.m, on June 17, 2010 to discuss the conceptual framework for cooperative actions and mechanisms between the United States and Mexico on the Colorado River.

The Commissioners observed that Articles 10, 11 and 15 of the United States – Mexico Treaty for Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed February 3, 1944, allot a portion of the Colorado River waters to Mexico and stipulate that specified deliveries shall be made by the United States. Additionally, they noted that Article 24, paragraph (a) of the Treaty specifies additional powers and duties of the Commission, including "To initiate and carry on investigations and develop plans for the works which are to be constructed or established in accordance with the provisions of this and other treaties or agreements in force between the two Governments dealing with boundaries and international waters...."

The Commissioners referred to Minute No. 242, entitled "Permanent and Definitive Solution to the International Problem of the Salinity of the Colorado River," signed August 30, 1973, which states under Resolution 6 that "the United States and Mexico shall consult with each other prior to undertaking any new development of either the surface or the groundwater resources, or undertaking substantial modifications of present developments, in its own territory in the border area that might adversely affect the other country." They also referred to Minute No. 306, entitled "Conceptual Framework for United States-Mexico Studies for Future Recommendations Concerning the Riparian and Estuarine Ecology of the Limitrophe Section of the Colorado River and its Associated Delta," signed December 12, 2000, which recognizes each country has laws and regulations concerning the preservation of riparian and estuarine system habitat that are executed by authorities that are provided such responsibility in their respective country. Pursuant to Minute No. 306, the Commission established a framework for cooperation between the United States and Mexico through the development of joint studies that include possible approaches to ensure use of water for ecological purposes in the Colorado River limitrophe reach and its associated delta, and created a forum for the exchange of information and advice among the different government and non-governmental organizations with an interest in the

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affected areas. As part of this forum, a list was developed of proposed activities and projects pertaining to the Colorado River estuary and riparian ecology from the limitrophe reach down to the river delta.

The Commissioners further referred to the Joint Statement issued by the United States and Mexico on August 13, 2007, which states that the Commission should be utilized to expedite discussions to further the cooperation between the United States and Mexico on issues related to the Colorado River.

The Commissioners also referred to the Joint Declaration on Colorado River Issues signed by the U.S. Secretary of the Interior and Mexico's Ambassador on January 15, 2009, in which they applauded the efforts of the Commission "to help identify cooperative and innovative measures that both countries could implement consistent with the provisions of the 1944 Treaty to help ensure that the Colorado River is able to continue to meet the needs of both nations." They further indicated both governments' support of these efforts "to identify innovative opportunities for water conservation, storage, supply augmentation, and environmental protection, which are viewed as complementary to the mission of the Department of the Interior and the respective Mexican ministries, consistent with the provisions of the 1944 Treaty."

The Commissioners similarly noted the interest expressed by non-governmental organizations and the states in the Colorado River Basin in the United States and in Mexico to participate in a binational dialogue about Colorado River cooperative actions. The Commissioners recognized the benefit, both for the United States and Mexico, in formalizing an inclusive process that would explore initiatives and the development of cooperative actions and mechanisms that could benefit Colorado River water users in the United States and Mexico.

The Commissioners observed that during the discussions carried out under the auspices of the Commission within the context of the Colorado River joint cooperative actions between the United States and Mexico, several projects and initiatives of interest to both countries were identified by the binational Core Group, which were divided among four binational Work Groups: Water Conservation, New Water Sources, System Operations, and Environmental. The Commissioners also noted that both countries are eager to explore opportunities for binational cooperative projects that: minimize the impacts of potential Colorado River shortage conditions; generate additional volumes of water using new water sources by investing in infrastructure such as desalinization facilities; conserve water through investments in a variety of current and potential uses, including agriculture, among others; and envision the possibility of permitting Mexico to use U.S. infrastructure to store water.

In this context, the Commissioners agreed to establish a binational Consultative Council, composed of representatives of the Commission, the respective federal governments and the basin states, to facilitate consideration of the legal, administrative and

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policy matters associated with these issues. The binational Consultative Council may receive assistance from the binational Core Group and any binational Work Group that it considers relevant.

The Commissioners considered that the details for any initiatives of mutual interest and those projects that implement said initiatives may be formalized in subsequent specific Minutes.

Based on the above, the Commissioners submit the following resolutions for the approval of both federal Governments:

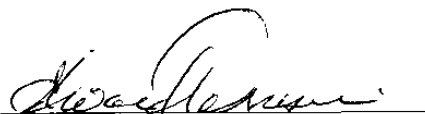
1. The Commission shall continue to develop a conceptual and practical framework for the discussion, joint study, research and evaluation of cooperative measures that could benefit both countries. As part of this process, the Commission will establish a binational Consultative Council as described above.
2. The Commission will coordinate, through the binational Core Group and the binational Work Groups, the exploration and evaluation of potential areas of cooperation and the consideration of projects or initiatives of interest to both countries, which focus on the initial topics of water conservation, identifying new water sources, improving hydraulic and hydrologic system operations, and identifying water for environmental purposes, taking into consideration the views and recommendations of the binational Consultative Council.
3. The Commission, through the process established in this Minute, shall in particular explore opportunities for binational cooperative projects that: minimize the impacts of potential Colorado River shortage conditions; generate additional volumes of water using new water sources by investing in infrastructure such as desalinization facilities; conserve water through investments in a variety of current and potential uses, including agriculture, among others; and envision the possibility of permitting Mexico to use U.S. infrastructure to store water.
4. The exploration of joint cooperative opportunities shall seek to benefit both countries, promote sustainable management of water in the Colorado River Basin, and define mechanisms under which the two countries may share the costs and the benefits of projects and initiatives that are identified, always on the understanding that any action or mechanism agreed upon shall be consistent with the objectives of the 1944 Water Treaty.
5. 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.

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6. This Minute shall enter into force when the Government of the United States of America and the Government of the United Mexican States have each provided written notification through its respective Section of the Commission of its approval.

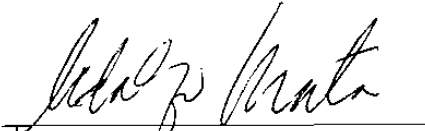
The meeting was adjourned.



Edward Drusina, P.E.  
United States Commissioner



Roberto F. Salmón Castelo  
Mexican Commissioner



Adolfo Mata  
United States Section Secretary



José de Jesús Luevano Grano  
Mexican Section Secretary