



- Board of Directors
Water Planning and Stewardship Committee

6/13/2017 Board Meeting

9-1

Subject

Overview of proposed International Boundary and Water Commission Minute and related agreements

Executive Summary

Representatives of the United States and Mexico, in consultation with representatives of the Colorado River Basin states, have developed a draft minute to the international water treaty that would build on areas of binational cooperation achieved in Minute No. 319. As in Minute 319, set to expire on December 31, 2017, this successor minute would give Metropolitan and other contractors in the United States the opportunity to fund and share in the benefit of water conserved in Mexico.

Description

The 1944 Treaty regarding Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande (Treaty) between the United States (U.S.) and Mexico provides that the U.S. will annually deliver to Mexico 1.5 million acre-feet of Colorado River water. If the U.S. determines there is a surplus, Mexico may take up to 200,000 acre-feet of additional water, for a total maximum delivery of no more than 1.7 million acre-feet in a year.

The Treaty provides that in the event of “extraordinary drought” conditions in the U.S., the water allotted to Mexico will be reduced in the same proportion as consumptive uses in the U.S. are reduced. However, the meaning of “extraordinary drought” is not defined in the Treaty, and the meaning of this term has not yet been settled. The Treaty also grants authority to the IBWC for binational implementation of the Treaty and includes provisions regarding timing and location of U.S. delivery of water to Mexico.

The IBWC periodically adopts treaty implementation documents called “minutes” to address Treaty operation and management issues. In 2012, the U.S. and Mexican representatives of the IBWC signed Minute 319 which included:

- Establishment of reservoir triggers for surplus and shortages condition;
- Intentionally Created Mexican Allocation (ICMA) whereby Mexico could temporarily reduce its order of Colorado River water, allowing that water to be delivered to Mexico in the future;
- Salinity;
- Water for the environment; and
- Infrastructure and water conservation funding by U.S. agencies, including Metropolitan.

While Metropolitan was not a party to Minute 319, Metropolitan did execute several domestic agreements that were necessary for implementation of Minute 319, including Metropolitan’s commitment to fund water conservation activities within Mexico. Minute 319 is set to expire December 31, 2017. In anticipation of that expiration, the U.S. and Mexico have been negotiating a successor minute (Minute 32X). The U.S. negotiations have included the State Department, the U.S. Bureau of Reclamation (Reclamation), representatives of the Basin states, and Colorado River contractors like Metropolitan.

Minute 32X is a cooperative agreement with Mexico that maintains and builds on existing shortage sharing agreements and supports conservation and environmental projects in Mexico. As was the case in Minute 319,

Metropolitan and other water agencies would need to approve several agreements to allow full implementation of the new minute. In Minute 319, water agencies, including Metropolitan, funded conservation activities in Mexico, with the conserved water benefitting both the U.S. and Mexico. Minute 32X is envisioned to include even larger conservation projects that water agencies would fund in exchange for the right to take delivery of a portion of the conserved water. Metropolitan staff is evaluating participation in the conservation project and will consider recommending additional funding if the agreements are brought to Metropolitan's Board for consideration. It is anticipated that the implementing agreements would be finalized for Board consideration within the next several months.

Policy

By Minute Item 41222, dated January 10, 1995, 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.

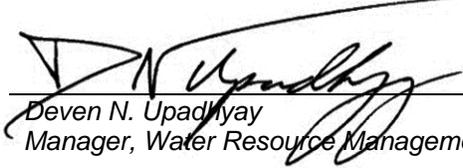
By Minute Item 42820, dated February 10, 1998, the Board approved a policy principle to protect Metropolitan's interests and increase its dependable entitlements to Colorado River water, while collaborating with other California Colorado River agencies.

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

By Minute Item 49247, dated November 5, 2012, the Board authorized Metropolitan to enter into multiple agreements in support of a five-year program to augment Metropolitan's Colorado River supply through the funding of an international pilot project in Mexico, and approved payment of \$5 million for purchase of supplies from the international pilot project.

Fiscal Impact

None, as no action is being requested at this time.



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5/31/2017

Date



 Jeffrey Kightlinger
 General Manager

6/1/2017

Date

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