

No. 11057

**UNITED STATES OF AMERICA
and
MEXICO**

Exchange of notes constituting an agreement regarding the problem of the salinity of the waters of the Colorado River (with annexed Minute No. 218 approved on 22 March 1965). Mexico and Tlatelolco, 16 November 1970

Authentic texts: English and Spanish.

Registered by the United States of America on 4 May 1971.

**ÉTATS-UNIS D'AMÉRIQUE
et
MEXIQUE**

Échange de notes constituant un accord concernant le problème de la salinité des eaux du fleuve Colorado (avec, en annexe, le procès-verbal n° 218 approuvé le 22 mars 1965). Mexico et Tlatelolco, 16 novembre 1970

Textes authentiques : anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 4 mai 1971.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND
MEXICO REGARDING THE PROBLEM OF THE SALINITY
OF THE WATERS OF THE COLORADO RIVER

I

The American Ambassador to the Secretary of Foreign Affairs of Mexico

EMBASSY OF THE UNITED STATES OF AMERICA
MEXICO D. F.

November 16, 1970

No. 1553

Excellency :

I have the honor to refer to Minute Number 218 of the International Boundary and Water Commission approved by the Government of the United States of America and the Government of the United Mexican States on March 22, 1965, entitled "Recommendation on the Colorado River Salinity Problem". Minute Number 218 entered into force on November 16, 1965 and continued in force through November 15, 1970. I have the honor to propose that, pending negotiation of a new Minute, the provisions of Minute Number 218 be extended for a period through November 15, 1971.

Accordingly, if the Government of the United Mexican States is agreeable to such an extension, I propose that this Note and the Note in reply from your Excellency communicating your Government's concurrence shall constitute an Agreement between the Government of the United States of America and the Government of the United Mexican States extending the provisions of Minute Number 218 through November 15, 1971; provided, however, that this agreement may be superseded at an earlier date by a new Minute of the International Boundary and Water Commission on approval of our respective Governments.

Accept, Excellency, the renewed assurances of my highest consideration.

ROBERT H. McBRIDE

His Excellency Antonio Carrillo Flores
Secretary of Foreign Affairs
Mexico, D. F.

¹ Came into force on 16 November 1970 by the exchange of the said notes.

de Límites y Aguas formule una nueva Acta con la aprobación de nuestros respectivos Gobiernos.

Reitero a Vuestra Excelencia las seguridades de mi muy alta y distinguida consideración.

ANTONIO CARRILLO

Excelentísimo señor Robert Henry McBride
Embajador de los Estados Unidos de América
Ciudad

[TRANSLATION¹ — TRADUCTION²]

The Secretary of Foreign Affairs of Mexico to the American Ambassador

UNITED MEXICAN STATES
MINISTRY OF FOREIGN AFFAIRS
MEXICO

Tlatelolco, D.F., November 16, 1970

11238

Mr. Ambassador :

I have the honor to acknowledge receipt of Your Excellency's note of this date, which reads as follows :

[See note I]

I take pleasure in informing Your Excellency that the Government of Mexico concurs in the proposal contained in the note transcribed above and agrees that the aforesaid note and this reply thereto shall constitute an Agreement extending the provisions of Minute No. 218 through November 15, 1971, unless at an earlier date the International Boundary and Water Commission prepares a new Minute with the approval of our respective Governments.

I renew to Your Excellency the assurances of my very high and distinguished consideration.

ANTONIO CARRILLO

His Excellency Robert Henry McBride
Ambassador of the United States of America
Mexico, D.F.

¹ Translation supplied by the Government of the United States of America.

² Traduction fournie par le Gouvernement des États-Unis d'Amérique.

INTERNATIONAL BOUNDARY AND WATER COMMISSION,
UNITED STATES AND MEXICO

Ciudad Juárez, Chihuahua, March 22, 1965

MINUTE No. 218

RECOMMENDATIONS ON THE COLORADO RIVER
SALINITY PROBLEM

The Commission met in the offices of the Mexican Section in Ciudad Juárez, Chihuahua, at 12:00 m. on March 22, 1965, to comply with instructions it has received from the two Governments, to consider measures "to reach a permanent and effective solution" of the problem of the salinity of the waters of the Colorado River which reach Mexico, as contemplated in the Presidential Communiques of March 16 and June 30, 1962 and February 22, 1964.

The Commission reviewed the measures which the two Governments have taken to date to alleviate temporarily the problem of salinity of waters of the lower Colorado River, and noted the reduction which has occurred in the salinity of drainage waters from the Wellton-Mohawk Irrigation and Drainage District and that continued improvement is anticipated.

The Commission, with the scientific and engineering studies made by both Governments as a basis, thereupon adopted the following Resolution, subject to the approval of the two Governments, embodying the following.

Recommendations :

1. That the United States construct at its expense an extension to the present Wellton-Mohawk District's drainage conveyance channel with capacity of 353 cubic feet (10 cubic meters) per second, along the left bank of the Colorado River to a point below Morelos Dam, and a control structure in that extension of the channel in the reach between Morelos Dam and the mouth of the Araz Drain, which structure would permit the discharge of the Wellton-Mohawk District's drainage waters to the bed of the river at a point either above or below Morelos Dam.
2. That the Commission permit execution of the works which may be required for the extension channel to pass through Morelos Dam.
3. That the extension channel and control structure proposed in Recommendation 1 be operated and maintained by the United States at its expense to discharge all of the Wellton-Mohawk District's drainage waters below Morelos Dam, except those which are discharged above the Dam on the days and at such rates as Mexico may request in writing.
4. That during the life of the present Minute and subject to the reservations of Recommendation 11, the Commission account for Wellton-Mohawk District's drainage waters as a part of those described in the provisions of Article 10 of

the Water Treaty of February 3, 1944,¹ with the understanding : *a*) that on the days for which Mexico requests water at the minimum winter rate of deliveries of 900 cubic feet (25.5 cubic meters) per second, the United States control waters reaching the limitrophe section of the Colorado River so that without including Wellton-Mohawk District's drainage waters, their flows be not less than 800 cubic feet (22.7 cubic meters) per second, their average flow be not less than 900 cubic feet (25.5 cubic meters) per second for the total of such days during each winter period for which the minimum rate is requested, and that the computation of that average flow not take into account flows in excess of 1000 cubic feet (28.3 cubic meters) per second : and *b*) that the winter periods in reference extend from October 1 of each year through February of the next following year.

5. That throughout the life of this Minute, Mexico schedule water at the minimum rate of deliveries of 900 cubic feet (25.5 cubic meters) per second, for the maximum practical number of days during each winter period, and for not less than 90 days.
6. That the pumping of Wellton-Mohawk District's drainage waters which are to be delivered to Mexico above Morelos Dam be coordinated, insofar as practicable, with Mexico's scheduled deliveries of water at the northerly boundary in order to minimize the salinity of these deliveries; with the understanding that during the period October 1 to February 10 the United States pump at the maximum rate but not to exceed 353 cubic feet (10 cubic meters) per second and, insofar as practicable from the more saline wells in the District, and also during other periods when the total quantity of the Wellton-Mohawk District's drainage waters is discharged below Morelos Dam.
7. That the United States endeavor to conclude arrangements to permit discontinuance of discharge of waters from the canal wasteways of the Yuma County Water Users' Association to the bed of the Colorado River below Morelos Dam, and if necessary for this purpose, construct and operate, at the expense of the United States, works needed so that such waters be delivered near San Luis, Arizona, and San Luis, Sonora; that Mexico pay for the increased cost of pumping which may be required to discharge these waters to Mexico at the delivery point near San Luis, Arizona, and San Luis, Sonora.
8. That this Minute be in effect during a period of five years, beginning on the date on which the extension to the Wellton-Mohawk District's drainage conveyance channel is placed in operation; and that during this period the Commission review conditions which gave rise to the problem and in due time recommend whether, in keeping with the purpose expressed by both Governments of achieving a permanent and effective solution, a new Minute should be adopted to become effective upon termination of this period.
9. That construction by the United States of works contemplated in this Minute be completed and the works be placed in operation by October 1, 1965, subject

¹ United Nations, *Treaty Series*, vol. 3, p. 313.

to the appropriation of funds by the United States Congress to implement this Minute.

10. That this Minute be specifically approved by both Governments.
11. That the provisions of this 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.

The meeting then adjourned.

J. F. FRIEDKIN
Commissioner of the United States

D. HERRERA J.
Commissioner of Mexico

LOUIS F. BLANCHARD
Secretary of the United States Section

FERNANDO RIVAS S.
Secretary of the Mexican Section
