

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

**El Paso, Texas
January 19, 2017**

MINUTE NO. 322

**EXTENSION OF THE TEMPORARY EMERGENCY DELIVERY OF
COLORADO RIVER WATER FOR USE IN TIJUANA, BAJA CALIFORNIA**

The Commission met at the headquarters offices of the U.S. Section in El Paso, Texas on January 19, 2017 at 2:00 p.m. to consider the request by the Baja California State Water Commission (CEA) to extend for an additional five years the emergency delivery to the city of Tijuana, Baja California, through the Otay Mesa International Connection, of a portion of the 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 (hereinafter 1944 Water Treaty), 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, and most recently in Commission Minute No. 314, entitled "Extension of the Temporary Emergency Delivery of Colorado River Water for Use in Tijuana, Baja California," dated November 14, 2008, which expired on November 9, 2013.

The Commissioners considered the request presented by the CEA and by the State Public Utility Commission of Tijuana (CESPT) to renew the cooperation most recently agreed in Minute No. 314 in light of a potential emergency that could affect the region's water supply. 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 and its subsequent amendments and modifications, was rehabilitated at Mexico's expense so that the emergency deliveries could be reinitiated and continued, also at Mexico's expense. The Commissioners took note of the fact that CESPT covered the costs for repair and replacement of valves owned and operated by the Otay Water District (OWD) required solely for the purposes of effecting water deliveries to Tijuana.

The United States Commissioner informed the Mexican Commissioner that the United States Bureau of Reclamation (Reclamation) and the California state agencies: San Diego County Water Authority (SDCWA), the Metropolitan Water District of Southern California (MWD), and the OWD, which own and operate the storage, conveyance, and distribution system from Parker Dam on the Colorado River to the OWD, are able and willing, in principle, to make the emergency water deliveries to the city of Tijuana, subject to any operational constraints that could affect the volumes and time frames, in order to support the water supply during emergency conditions, beginning on the date this Minute enters into force and concluding on January 19, 2022.

The Commissioners reviewed the document "Updated Joint Report of the Principal Engineers to Facilitate Emergency Delivery of Colorado River Water for Use in Tijuana, Baja California," signed on January 18, 2017, which is attached and forms an integral part of this Minute, and they agree that the terms and conditions recommended therein to carry out the emergency deliveries are appropriate and have been duly updated, including Table #1 titled

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"Charges to Mexico for Emergency Deliveries for Tijuana of a Portion of Mexico's 1944 Water Treaty Allotment Effective 2017," which has been revised to reflect the current cost of deliveries.

Based on the above, the Commissioners adopted the following resolutions, subject to the approval of both Governments:

- 1. That the Government of the United States and the Government of Mexico adopt a new emergency arrangement from the date this Minute enters into force through January 19, 2022, to allow for the delivery at the international land boundary between San Diego County, California and Tijuana, Baja California of a portion of the Colorado River waters allotted to Mexico under the 1944 Water Treaty, in a manner that does not affect the deliveries or releases of water of the Colorado River system to United States users.**
- 2. That delivery of water under this arrangement is subject to annual authorization by means of an exchange of diplomatic notes between the two Governments, which will be initiated by the Government of Mexico by no later than August 1 of the year prior to the one-year delivery period, except for the initial delivery period when the exchange of diplomatic notes will be initiated by the Government of Mexico 45 days prior to the delivery start date. The last deliveries undertaken through this arrangement must be completed by January 19, 2022.**
- 3. That the water deliveries will be made and accounted for in accordance with the "Updated Joint Report of the Principal Engineers to Facilitate Emergency Delivery of Colorado River Water for Use in Tijuana, Baja California," signed by U.S. Section Principal Engineer Carlos Peña and Mexican Section Principal Engineer Luis A. Rascon Mendoza, on January 18, 2017, which is attached and forms an integral part of this Minute.**
- 4. That the Government of Mexico will assure that, in advance of each quarterly delivery, payment is made for any and all financial costs and energy reserve funds in accordance with Part B of the Joint Report cited in resolution 3 above.**
- 5. That the Government of Mexico will assure that payment for Planned Projects and Emergency Repairs is made in accordance with Part B of the Joint Report cited in resolution 3 above.**
- 6. That all activities undertaken pursuant to this Minute will be subject to the availability of funds, resources, and corresponding personnel, as well as to applicable laws and regulations in each country.**
- 7. That this Minute will enter into force upon notification of approval by the Government of the United States and the Government of the United Mexican States through the respective Section of the Commission.**

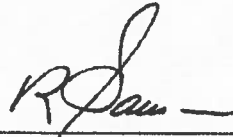
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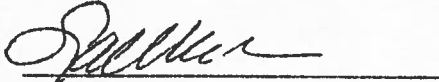
The meeting was adjourned.



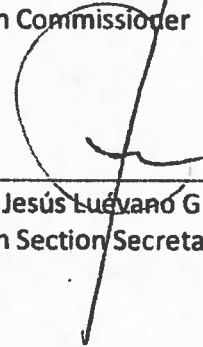
Edward Drusina
United States Commissioner



Roberto F. Salmón Castelo
Mexican Commissioner



Sally E. Spener
United States Section Secretary



José de Jesús Luevano Grano
Mexican Section Secretary