

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

Ciudad Juarez, Chihuahua
June 10, 1975

MINUTE NO. 248

RECOMMENDATIONS FOR EXTENSION OF THE WELLTON-MOHAWK BYPASS DRAIN IN
MEXICAN TERRITORY

The Commission met in the offices of the Mexican Section at Ciudad Juarez, Chihuahua, at 10:00 o'clock on June 10, 1975, to consider the measures required to implement the provisions of Point No. 4 of the Resolution of Minute No. 242 of this Commission, dated August 30, 1973, and entitled "Permanent and Definitive Solution to the International Problem of the Salinity of the Colorado River" which was approved by the two Governments on the same date.

The Commission considered Point No. 4 of the Resolution of said Minute which provides that through the Commission and at the expense of the United States, Mexico shall construct, operate and maintain an extension of the Wellton-Mohawk concrete-lined bypass drain from the Arizona-Sonora international boundary to the Santa Clara Slough of a capacity of 353 cubic feet (10 cubic meters) per second, to complete the Wellton-Mohawk concrete-lined bypass drain referred to in Point No. 3 of the Resolution of the same Minute.

The Commission took note that there has been fulfilled the proviso in Point No. 10 of the Resolution of Minute No. 242 that the provisions of that Minute which are dependent for their implementation on the construction of works or on other measures which require expenditure of funds by the United States, shall become effective upon the notification by the United States to Mexico of the authorization by the United States Congress of said funds; such notification was communicated by the Embassy of the United States to the Secretariat of Foreign Relations of Mexico, by the Note dated June 24, 1974.

The Commission considered the procedures which would be practical and adequate to implement the provisions cited above and, thereupon, adopted the following Resolution, which it submits for the approval of the two Governments:

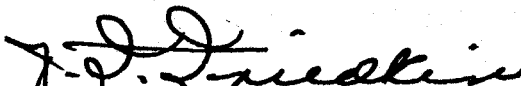
1. Mexico will prepare and present for the approval of the Commission the engineering plan, the estimate of costs, and the schedule of construction for the extension of the concrete-lined Wellton-Mohawk bypass drain, from the international boundary between Arizona and Sonora to the Santa Clara Slough, a length of approximately 35 miles (56 kilometers), and of a capacity of 353 cubic feet (10 cubic meters) per second. This extension of the bypass drain shall include its right-of-way and all of the structures and crossings which the Commission may consider necessary to construct as a part thereof.

2. Mexico will construct under the supervision of the Commission and at the expense of the United States, the extension of the bypass drain referred to in Point No. 1 of this Resolution, in accordance with the engineering plan approved by the Commission.
3. The United States will pay to Mexico, through the Commission, the actual costs of construction of the extension of the bypass drain referred to in Point No. 1 of this Resolution, including the cost of the preparation of the engineering plan and the costs of supervision and administration of construction, as approved by the Commission, in the following manner:
 - a. After approval of this Minute by the two Governments and within 60 days of the approval by the Commission of the preliminary estimated cost of construction of the extension of the bypass drain, the Government of the United States will establish in a bank in Mexico, to be approved by the Mexican Commissioner, an irrevocable credit in favor of the Mexican Commissioner in the amount of the preliminary estimated cost of construction, approved by the Commission, with the understanding that said irrevocable credit shall be subject to such subsequent adjustments as are approved by the Commission. By drawing upon this credit, the United States will make quarterly advance payments. For each payment, the Mexican Commissioner or his designated representative will draw quarterly against the credit established, with the countersignature of the United States Commissioner or his designated representative in such amount as, together with any unexpended balance of the prior advance payments, is estimated will be required for expenditures anticipated by Mexico for construction of the bypass drain during the following quarter.
 - b. Mexico shall present to the Commission monthly progress reports on the construction of the extension of the bypass drain and itemized statements of the disbursements made in its construction during the previous month which, when reviewed by the Commission and corrected if necessary, shall be considered as certification of payments for the actual cost of the construction of the bypass drain during that month.
 - c. As soon as the construction of the extension of the bypass drain shall have been completed, the Commission will make a joint inspection of the works constructed and upon their approval, shall make a final liquidation of the advance payments made by the United States and of the actual costs certified by the Commission, and the resulting balance shall be paid by the Government of the debtor country to the Government of the creditor country.

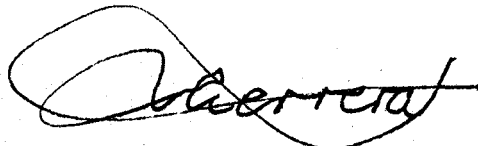
4. Mexico will operate and maintain under the supervision of the Commission and at the expense of the United States, the extension of the bypass drain referred to in Point No. 1 of this Resolution. For this purpose Mexico shall present to the Commission for its approval itemized estimates of the costs expected to be incurred during each calendar year in the operation and maintenance of the bypass drain, sixty days prior to the start of the operation and maintenance and thereafter sixty days prior to the beginning of each calendar year. Mexico shall present to the Commission after the end of each calendar year an itemized statement of the disbursements made for the operation and maintenance of the bypass drain during the preceding calendar year; the United States shall pay to Mexico through the Commission the sum resulting from the review and such adjustments as are made by the Commission to said itemized statement.

5. The construction, operation and maintenance of the works to which this Resolution refers shall not confer upon either of the two countries any rights of property or of jurisdiction over any part of the territory of the other.

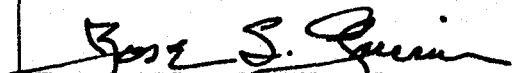
Whereupon, the meeting adjourned.




Commissioner of the United States



Commissioner of Mexico



Acting Secretary of the United
States Section



Secretary of the Mexican Section