

(English text of Minute No. 189 dated May 12, 1948)

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

El Paso, Texas
May 12, 1948

MINUTE NO. 189

DETERMINATIONS AS TO SITE AND DESIGN FEATURES OF
THE MAIN DIVERSION STRUCTURE TO BE CONSTRUCTED BY
MEXICO ON THE COLORADO RIVER AND WORKS NECESSITATED
THEREBY FOR PROTECTION OF UNITED STATES LANDS, PUR-
SUANT TO THE PROVISIONS OF ARTICLE 12(a) OF THE
WATER TREATY CONCLUDED FEBRUARY 3, 1944.

The Commission met at the offices of the United States Section at El Paso, Texas, on May 12, 1948, at 10:00 a.m., to formulate decisions pursuant to the provisions of article 12(a) of the Water Treaty of February 3, 1944, and subject to the approval of the two Governments, with respect to location and design features of the main diversion structure to be built by Mexico on the Colorado River, and with respect to the works necessary to protect lands within the United States against damage from such floods and seepage as might result from the construction, operation and maintenance of this diversion structure, which works are to be constructed, operated and maintained at the expense of Mexico.

The development of the necessary data upon which to base these decisions may be summarized as follows:

For several years prior to the negotiation of the Water Treaty the Mexican Section of the Commission in collaboration with other interested agencies of the Mexican Government, had carried on preliminary studies and investigations with respect to feasible sites for a diversion structure on the Colorado River below the northernmost international land boundary for utilization in Mexico of the waters of this stream. The United States Section in collaboration with other interested agencies of the United States had carried on preliminary studies and investigations of the probable effects upon lands within the United States of a diversion structure at alternative sites in this reach of the river. These preliminary studies and investigations by both Sections were carefully reviewed by a joint engineering conference held in Mexico City in March, 1946, and additional studies and investigations were recommended by that conference.

Subsequently, joint engineering conferences were held in El Paso, Texas and Ciudad Juárez, Chihuahua, in January, 1947, in San Diego, California, in May, 1947, in Yuma, Arizona, in February, 1948, and in El Paso, Texas and Ciudad Juárez, Chihuahua, in March, 1948, to review the additional

studies

studies and investigations carried on by the two Sections of the Commission. In addition to the Commissioners and Engineers of the two Sections of the Commission, the following have participated in joint conferences and/or have otherwise collaborated with the Commission:

For the United States Section: Walker R. Young, Chief Engineer, E. A. Moritz, Director, Region III, J. K. Rehner, District Manager, Lower Colorado District, and members of their staffs, of the Bureau of Reclamation; and Technical Advisers J. L. Burkholder and Donald C. Scott.

For the Mexican Section: Antonio Coria, Assistant Chief of Technical Consultants, Aurelio Benassini, Assistant Chief of Irrigation, Oscar Vega Argüelles, Director of Studies and Plans, and Eligio Esquivel II., Manager of the Mexicali Valley Irrigation District, of the Ministry of Hydraulic Resources.

On the basis of the several pertinent studies and investigations and the findings and recommendations of the joint engineering conferences, the Principal Engineers prepared and submitted to the Commission, under date of May 10, 1948, their "Joint Report on the Location and Design for the Main Diversion Structure for Mexico on the Colorado River and Works necessitated thereby for the Protection of United States Lands", the English and Spanish texts of which are attached hereto as Exhibits Nos. 1 and 1-A and form part hereof. Also attached hereto and forming part hereof are: Exhibit No. 2, map entitled "Colorado River - Imperial Dam to San Luis - Showing Location of Morelos Diversion Structure"; and Exhibits Nos. 3 and 4, plans entitled "Main Diversion Structure - Colorado River", sheets 1 and 2, prepared by the Ministry of Hydraulic Resources of Mexico and referred to in the Joint Report of the Principal Engineers.

The Commission carefully reviewed the pertinent data and adopted the following resolution:

"Pursuant to the provisions of article 12(a) of the Water Treaty concluded February 3, 1944, the Commission hereby makes the following determinations, subject to the approval of the two Governments:

- "1. The 'Joint Report on the Location and Design for the Diversion Structure for Mexico on the Colorado River and Works necessitated thereby for the Protection of United States Lands', submitted by the Principal Engineers under date of May 10, 1948, is hereby approved in its entirety.
- "2. Mexico having found that the preponderance of advantages is offered by the Algodones site for the main diversion structure which it is to build on the Lower Colorado River pursuant to the provisions of article 12(a) of the Water Treaty, the location of said structure at that site is hereby approved with the understanding that the necessary works for the protection of lands within the United States from the effects of the

proposed structure at said site will be constructed, operated and maintained at the expense of Mexico pursuant to the provisions of article 12(a) of the Water Treaty and that final plans for such works will be developed in accordance with the agreement set forth in paragraph 4 hereof.

- "3. Construction of the said main diversion structure in substantial accordance with the plans prepared by Mexico, entitled 'Main Diversion Structure - Colorado River', sheets 1 and 2, and numbered 3005-C-2939 and 3005-C-2940, is hereby approved. It is understood and agreed that approval of said plans shall not be construed as implying any undertaking by the United States to deliver waters of the Colorado River to Mexico in greater quantities or at greater rates than those stipulated in articles 10, 11 and 15 of the Water Treaty.
- "4. The nature and extent of the levees, interior drainage facilities and other works, or improvements to existing works necessary to protect lands within the United States against damage from such floods and seepage as might result from the construction, operation and maintenance of the main diversion structure to be built by Mexico on the Colorado River, shall be determined by the Commission at the earliest possible date and in accordance with the criteria recommended by the Principal Engineers in their 'Joint Report on the Location and Design for the Main Diversion Structure for Mexico on the Colorado River and Works necessitated thereby for the Protection of United States Lands'. The Commission's determinations in these respects shall provide, among other things, (a) for the construction, at the expense of Mexico and simultaneously with the construction of the main diversion structure in so far as may be engineeringly feasible, of the works required in order to protect lands within the United States against such floods as might result from the construction, operation and maintenance of the diversion structure, and (b) for the construction, also at the expense of Mexico and at such time as need therefor may develop as determined by the Commission, of such interior drainage facilities as may be required to protect United States lands against seepage resulting from the construction, operation and maintenance of said diversion structure.

The meeting then adjourned.

s/ L. H. Lawson
Commissioner of the United States

s/ D. Herrera J.
Commissioner of Mexico

s/ George H. Winters
Secretary of the United States Section

s/ Fernando Rivas S.
Secretary of the Mexican Section