

(English text of Minute No. 198 dated June 2, 1953)

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

Ciudad Juárez, Chihuahua,
June 2, 1953.

MINUTE NO. 198

TEMPORARY WEIR ACROSS THE RIO GRANDE
AT THE ANZALDUAS DAM SITE

The Commission met in the offices of the Mexican Section at Ciudad Juárez, Chihuahua, Mexico, at 11:00 a.m. on June 2, 1953, for the purpose of taking action upon the proposal submitted by Mexico to construct a temporary weir across the Rio Grande to enable diversion into the Anzaldúas Canal of a portion of the waters of the Rio Grande allotted to Mexico by the Water Treaty of 1944.

The proposal, submitted by the Mexican Commissioner by letter dated March 10, 1953, was referred to the Principal Engineers for study, and is discussed in the "Joint Report of the Principal Engineers Regarding Construction of a Temporary Weir, Proposed by Mexico, Across the Rio Grande at the Anzaldúas Dam Site". The English and Spanish texts of this Joint Report, dated May 20, 1953, are attached hereto and form part hereof.

The Commission reviewed the proposal in the light of the Joint Report of the Principal Engineers and of the pertinent provisions of the Water Treaty, particularly those of Article 9(b) authorizing either country to divert and use the water belonging to it and to construct the necessary diversion works for this purpose. The Mexican Commissioner reiterated that until such time as the permanent Anzaldúas Diversion Dam is placed in operation, as provided for in Minute No. 196, dated December 18, 1950, the proposed temporary weir is urgently needed by Mexico in order to divert into the Anzaldúas Canal a portion of the share of waters available to Mexico and that such diversions will be controlled by the Anzaldúas Canal headgate to assure that United States waters and the remainder of the waters available to Mexico will pass over the weir for downstream diversion and utilization by the water users of the respective countries. He also confirmed that the temporary weir will be entirely removed by and at the expense of Mexico not later than the date the permanent Anzaldúas Diversion Dam is placed in operation. The Mexican Commissioner stated further that while, as indicated in the Joint Report of the Principal Engineers, it is not expected that construction, operation or maintenance of the proposed weir will cause any damage to lands in either country, his Government will assume full responsibility for any damage resulting, in the

opinion

opinion of the Commission, to property in the United States from the construction, operation or maintenance of the structure.

The Commission then adopted the following resolutions:

"1. The construction of a temporary weir of the nature proposed by Mexico to enable the diversion into the Anzaldúas Canal of a portion of the waters of the Rio Grande allotted to Mexico by the Water Treaty is authorized by Article 9(b) of that treaty.

"2. The 'Joint Report of the Principal Engineers Regarding the Construction of a Temporary Weir, Proposed by Mexico, Across the Rio Grande at the Anzaldúas Dam Site', dated May 20, 1953, is approved.

"3. The construction, operation and maintenance of the proposed temporary weir will be performed by and at the expense of Mexico under the supervision of the Commission, subject to the pertinent provisions of the Water Treaty and the following specific understandings:

"(a) The temporary weir will be constructed by Mexico in substantial accordance with the drawing attached as Exhibit 1 to the Joint Report of the Principal Engineers and in accordance with the recommendations contained in the said report.

"(b) Pursuant to the provisions of Articles 2 and 23 of the Water Treaty of 1944, each Section of the Commission will have jurisdiction over the portion of the works situated within the territory of its respective country.

"(c) The structure will be operated and maintained in accordance with the recommendations contained in the Joint Report of the Principal Engineers, and the headgate structure of the Anzaldúas Canal will be operated so that waters belonging to the United States will overflow the weir and thus pass downstream in the channel of the river for utilization by users in the United States. The structure will be promptly destroyed by Mexico when the river water surface at the site reaches 106.0 feet (32.31 meters) and if additional rise is imminent.

"(d) Frequent hydrographic measurements will be made by each Section of the Commission at the stations referred to in the Joint Report of the Principal Engineers, and the results of such measurements will be currently exchanged.

"(e) The weir will be completely removed by and at the expense of Mexico, not later than the date the Anzaldúas Diversion Dam is placed in operation.

"(f) Mexico

"(f) Mexico will assume full financial responsibility for any damages to United States properties resulting, in the opinion of the Commission, from the construction, operation or maintenance of the temporary weir."

The meeting then adjourned.

/s/ L. M. 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