

(English text of Minute 221 dated November 29, 1965)

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

El Paso, Texas,
November 29, 1965.

MINUTE NO. 221

FINAL LIQUIDATION OF COSTS ALLOCABLE TO MEXICO OF
CONSTRUCTION OF THE SOUTH GILA LEVEE AND DETERMINATION OF THE PART
OF ITS OPERATION AND MAINTENANCE COSTS ALLOCABLE TO THAT COUNTRY

The Commission met at the offices of the United States Section in El Paso, Texas, at 10:00 a.m. on November 29, 1965, to make decisions concerning the final liquidation of the part corresponding to Mexico of the cost of construction of the South Gila Levee pertaining to the system of protective levees of the Colorado River, and concerning the part allocable to Mexico of its operation and maintenance costs.

The Commission reviewed the "Joint Report of the Principal Engineers on the Final Liquidation of the Part Corresponding to Mexico of the Construction Costs, and on the Part Allocable to Mexico of the Costs of Operation and Maintenance of the South Gila Levee", submitted by Principal Engineers W. E. Walker and Norberto Sanchez G., under date of November 18, 1965, the English and Spanish texts of which, with their three enclosures, are attached to the present Minute and form a part hereof. The Commission found that the report under reference adheres to the provisions of Section (a) of Article 12 of the 1944 Water Treaty and to applicable provisions of the Commission's Minutes Nos. 195 of May 6, 1950 and 208 of November 14, 1958.

The Commission also reviewed the provisions of Minute No. 211 of May 12, 1961, entitled "Manner of Payment of Mexico's Share of Cost of Construction of Group II Colorado River Levees, Upstream from Morelos Diversion Dam", and agreed that they are applicable to the South Gila Levee.

Based on the said Joint Report and on appropriate precedents, the Commission adopted the following resolution, subject to the approval of the two Governments:

1. The "Joint Report of the Principal Engineers on the Final Liquidation of the Part Corresponding to Mexico of the Construction Costs, and on the Part Allocable to Mexico of the Costs of Operation and Maintenance of the South Gila Levee", submitted by Principal Engineers W. E. Walker and Norberto Sanchez G., under date of November 18, 1965, is approved.

2. As indicated in the said Joint Report, the cost allocable to Mexico of the part of the construction works of the South Gila Levee upstream from Morelos Diversion Dam required to protect United States land against damages that could result from Colorado River floods and as a consequence of the construction, operation and maintenance of that dam amounts to Two Hundred Three Thousand Nine Hundred (\$203,900) Dollars United States currency, which Mexico will pay in the manner provided for in Minute No. 211 adopted by the Commission on May 12, 1961.

3. Upon payment of the said amount of Two Hundred Three Thousand Nine Hundred (\$203,900) Dollars it shall be considered that Mexico has complied with the obligations referred to in Article 12, Section (a) of the 1944 Water Treaty, with respect to the construction of the South Gila Levee upstream from Morelos Diversion Dam, to protect lands within the United States from damages by reason of floods as a result of the construction, operation and maintenance of the diversion structure under reference.

4. It is understood that the final liquidation agreed upon in the present Minute pertains exclusively to the part allocable to Mexico of the cost of construction of the South Gila Levee upstream from the Morelos Diversion Dam; that when the North Gila Levee is constructed, the part allocable to Mexico of the construction cost thereof will then be determined, in accordance with Minute No. 195, which Mexico will pay in the manner provided for in Minute No. 211; that pending construction of that levee, Mexico will not be responsible for damages that could occur in the United States as a result of absence of the North Gila Levee.

5. Pursuant to the resolution contained in Minute No. 195 and in accordance with the Joint Report of the Principal Engineers attached hereto, the part allocable to Mexico of the total operation and maintenance cost of the South Gila Levee to be jointly operated and maintained by the two countries is 16%. The amount shall be determined annually by the Commission in the manner proposed in said Joint Report, and payment shall be made by check payable to the Treasurer of the United States of America delivered to the United States Section through the Mexican Section.

The meeting then adjourned.

(signed) J. F. Friedkin
Commissioner of the United States

(signed) D. Herrera J.
Commissioner of Mexico

(signed) Louis F. Blanchard
Secretary of the United States Sect.

(signed) Fernando Rivas S.
Secretary of the Mexican Section