

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO.

Ciudad Juarez, Chihuahua
November 14, 2008

MINUTE NO. 314

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

The Commission met at the offices of the Mexican Section in Ciudad Juarez, Chihuahua on November 14, 2008 at 10:00 am, to consider the request by the Baja California State Water Commission (CEA) to extend for an additional five-years the delivery to Tijuana, Baja California, through the Otay 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 the 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. 310, entitled, "Emergency Delivery of Colorado River Water for Use in Tijuana, Baja California" dated July 28, 2003, which is scheduled to expire in November 2008.

The Commissioners considered the information provided by the CEA and by the State Public Utility Commission of Tijuana (CESPT) that in light of a potential contingency that could affect the region's water supply and due to involuntary delays in the execution of the "Expansion of the Colorado River-Tijuana Aqueduct," they foresee partial water supply shortage periods in the next five years, until said infrastructure improvements are able to cover the growing needs over the short and medium term. 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, as subsequently amended and extended, was rehabilitated at a cost to Mexico for the emergency deliveries to resume and continue, also at a cost to Mexico. The Commissioners noted that CESPT has fulfilled the commitment stipulated in the "Joint Report of the Principal Engineers to Facilitate Emergency Delivery of Colorado River Water for Use in Tijuana, Baja California," dated July 11, 2003, which forms part of Commission Minute No. 310, to reimburse funds spent by the Otay Water District (OWD) on the installation of equipment necessary for the deliveries and not recovered by deliveries made during the five year period covered under Minute No. 310 through rates charged per cubic meter of water delivered on site and sent to the City of Tijuana through October 2008.

The U.S. Commissioner informed that the United States Bureau of Reclamation (Bureau), and the California agencies: San Diego County Water Authority (SDCWA), the Metropolitan Water District of Southern California (MWD), and the Otay Water District, which own and operate the conveyance system from Parker Dam on the Colorado River to the Otay Water District, are able and willing, in principle, to make the

emergency water deliveries to Tijuana, B.C. in the volumes and periods as estimated by the CESPT, to avoid the water supply shortages for the next five years starting November 11, 2008 through November 9, 2013.

The Commissioners reviewed the 2003 "Joint Report of the Principal Engineers to Facilitate Emergency Delivery of Colorado River Water for Use in Tijuana, Baja California," which forms part of Commission Minute No. 310, and they concur that the terms and conditions of the 2003 Joint Report will remain in full force and effect, as specified in the attached and amended Joint Report which forms an integral part of this Minute. Additionally, Table 1 entitled "Charges to Mexico for Emergency Deliveries for Tijuana of a Portion of Mexico's 1944 Colorado River Treaty Water," which forms an integral part of the amended Joint Report, has been revised to reflect the current cost of deliveries.


Based on the foregoing, the Commissioners adopted the following resolutions, subject to the approval of the two Governments:

1. That Commission Minute No. 310 shall be extended for an additional year, to allow for the delivery at the international land boundary to Tijuana, Baja California, of a portion of Colorado River waters allotted to Mexico in the 1944 Water Treaty, between November 11, 2008 and November 10, 2009, in a manner that does not affect the delivery or discharge of water to the United States customers.
2. That Commission Minute No. 310 may be extended for subsequent one year periods for a total not to exceed five years, to allow delivery at the international land boundary to Tijuana, Baja California, of a portion of Colorado River waters allotted to Mexico in the 1944 Water Treaty until November 9, 2013, subject to an annual exchange of diplomatic notes between the two governments. The annual deliveries shall be made in accordance with procedures adopted annually by the Commission.
3. That the Government of Mexico shall assure that payment is made by CESPT, in advance of each delivery, of any and all financial costs incurred in making the water deliveries at a cost to Mexico that is equivalent to that charged to United States customers in that area.
4. That the water deliveries shall be made in accordance with the provisions in the "Amended 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 Alfredo J. Riera and Mexican Section Principal Engineer Luis Antonio Rascon Mendoza, October 24, 2008, a copy of which is attached and forms an integral part of this Minute.
5. That all activities undertaken pursuant to this Minute shall be subject to the availability of funds, resources, and corresponding personnel, as well as to applicable laws and regulations in each country.

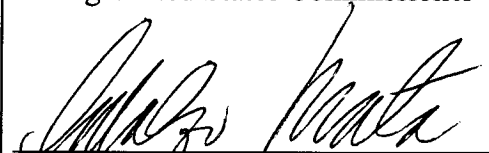
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6. That this Minute shall enter into force upon notification of approval by the Government of the United States of America and the Government of the United Mexican States through the respective Sections of the Commission.

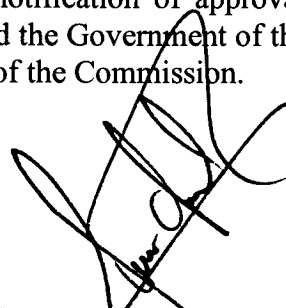
The meeting then adjourned:



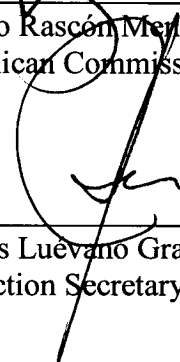
Alfredo J. Riera
Acting United States Commissioner



Adolfo Mata
United States Section Secretary



Luis Antonio Rascón Mendoza
Interim Mexican Commissioner



José de Jesús Luévano Grano
Mexican Section Secretary