INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

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Lower Colorado Region
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Mr. Edward M. Hallenbeck
Regional Director
U.S. Bureau of Reclamation
Lower Colorado Regional Office
Post Office Box 427
Boulder City, Nevada 89005

Dear Ed:

The purpose of this letter is to clarify the position of the U.S. Section, International Boundary and Water Commission in regard to proposed seepage recovery facilities along the All-American Canal involving pumping in lieu of canal lining.

You will recall that on December 5, 1988 at the meeting in Las Vegas involving yourself, members of your staff, representatives of the Colorado River Board, Metropolitan Water District, Imperial Irrigation District, and the Coachella Valley Water District, I stated my position regarding the pumping option and the canal lining option. That position is as follows:

The seepage from the All-American Canal is U.S. surface water which was allocated to the United States under the 1944 Water Treaty and the United States has the right to conserve those waters in the manner it chooses.

Lining of the All-American Canal or construction of a new lined canal is the preferred option from an international perspective. The pumping option poses serious international implications. First, it would be extremely difficult to present a convincing case, that only All-American Canal seepage water would be withdrawn by the pumps and that ground water was not being withdrawn from Mexico. The specter of withdrawing Mexico's ground water would not be present with the lining option. Second, it would be difficult to convince Mexico that no additional pumps would be added once the initial pumping system is installed. One advantage of the lining option is that once it is done, it is done.

As I mentioned at the Las Vegas meeting, the pumping option would almost surely cause Mexico to request negotiations perhaps of a ground water treaty. The United States Section has obtained the views of the four border states and the consensus is that the United States should not enter into such negotiations at this time. As you know, each has different ground water laws and practices. Whatever actions the two governments take in regard to the All-American Canal and adjacent ground waters, could set a precedent all along the U.S.-Mexico border.

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My primary concern is that the United States not do anything which would encourage Mexico to request an opening of the 1944 Water Treaty. In my opinion, there would be a high risk of this with the pumping option and a much lesser risk with the canal lining option.

For the reasons stated above, I conclude that there would be serious international problems with the pumping option and I urge the Bureau not to undertake extensive studies of that option because its viability would be in serious question because of the international concerns.

Sincerely,

Narendra N. Gunaji
Commissioner

cc: Dennis Underwood, CRB
Myron Holburt, MWD
Charles Shreves, IID
Thomas Levy, CVWD