

Convention between the United States and Mexico providing for the equitable distribution of the waters of the Rio Grande for irrigation purposes. Signed at Washington, May 21, 1906; ratification advised by the Senate, June 26, 1906; ratified by the President, December 26, 1906; ratified by Mexico, January 5, 1907; ratifications exchanged at Washington, January 16, 1907; proclaimed, January 16, 1907.

May 21, 1906.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention between the United States of America and the United States of Mexico, providing for the equitable distribution of the waters of the Rio Grande for irrigation purposes, and to remove all causes of controversy between them in respect thereto, was concluded and signed by their respective Plenipotentiaries at Washington on the twenty-first day of May, one thousand nine hundred and six, the original of which Convention, being in the English and Spanish languages, is word for word as follows:

Preamble.

The United States of America and the United States of Mexico being desirous to provide for the equitable distribution of the waters of the Rio Grande for irrigation purposes, and to remove all causes of controversy between them in respect thereto, and being moved by considerations of international comity, have resolved to conclude a Convention for these purposes and have named as their Plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and

The President of the United States of Mexico, His Excellency Señor Don Joaquín D. Casasús, Ambassador Extraordinary and Plenipotentiary of the United States of Mexico at Washington;

Who, after having exhibited their respective full powers, which were found to be in good and due form, have agreed upon the following articles:

ARTICLE I.

After the completion of the proposed storage dam near Engle, New Mexico, and the distributing

Los Estados Unidos de América y los Estados Unidos Mexicanos deseosos de ponerse de acuerdo en la equitativa distribución de las aguas del Río Grande para fines de irrigación, y de alejar todas las causas de discusión entre ellos á ese respecto, y obrando por consideraciones de cortesía internacional, han resuelto celebrar una Convención con este propósito y han nombrado sus Plenipotenciarios, á saber:

El Presidente de los Estados Unidos de América, al Señor Elihu Root, Secretario de Estado de los Estados Unidos; y

El Presidente de los Estados Unidos Mexicanos, á Su Excelencia el Señor Don Joaquín D. Casasús, Embajador Extraordinario y Plenipotenciario de los Estados Unidos Mexicanos en Washington;

quienes, despues de presentar sus plenos poderes respectivos, que se encontraron en buena y debida forma, han convenido en los artículos siguientes:

ARTÍCULO I.

Una vez que se hayan terminado la proyectada presa cerca de Engle, Nuevo México, y el sistema auxi-

Contracting powers.

Plenipotentiaries.

Amount of water delivered to Mexico annually.

system auxiliary thereto, and as soon as water shall be available in said system for the purpose, the United States shall deliver to Mexico a total of 60,000 acre-feet of water annually, in the bed of the Rio Grande at the point where the head works of the Acequia Madre, known as the Old Mexican Canal, now exist above the city of Juarez, Mexico.

liar de distribución al efecto, y tan luego como haya agua disponible para el objeto en dicho sistema, los Estados Unidos entregarán á México un total de 60,000 acres pies de agua anualmente, en el lecho del Río Grande y en el punto en donde se encuentran ahora las obras principales de la Acequia Madre, conocida con el nombre de viejo canal mexicano, arriba de Ciudad Juarez, Mexico.

ARTICLE II.

ARTÍCULO II.

Distribution of water.

The delivery of the said amount of water shall be assured by the United States and shall be distributed through the year in the same proportions as the water supply proposed to be furnished from the said irrigation system to lands in the United States in the vicinity of El Paso, Texas, according to the following schedule, as nearly as may be possible:

Los Estados Unidos asegurarán la entrega de dicha cantidad de agua y la distribuirán durante el año en las mismas proporciones que la cantidad de agua que se proyecta proporcionar del expresado sistema de irrigación á los terrenos de los Estados Unidos en las cercanías de El Paso, Texas, de conformidad, y tan aproximadamente como sea posible, con la siguiente lista:

| | Acre feet per month. | Corresponding cubic feet of water. |
|--------------------|----------------------|------------------------------------|
| January | 0 | 0 |
| February | 1,090 | 47,480,400 |
| March | 5,460 | 237,837,600 |
| April | 12,000 | 522,720,000 |
| May | 12,000 | 522,720,000 |
| June | 12,000 | 522,720,000 |
| July | 8,180 | 356,320,800 |
| August | 4,370 | 190,357,200 |
| September | 3,270 | 142,441,200 |
| October | 1,090 | 47,480,400 |
| November | 540 | 23,522,400 |
| December | 0 | 0 |
| Total for the year | 60,000 acre-feet | 2,613,600,000 cubic feet |

| | Acres pies por mes. | Pies cúbicos de agua correspondientes. |
|-----------------|---------------------|--|
| Enero | 0 | 0 |
| Febrero | 1,090 | 47,480,400 |
| Marzo | 5,460 | 237,837,600 |
| Abril | 12,000 | 522,720,000 |
| Mayo | 12,000 | 522,720,000 |
| Junio | 12,000 | 522,720,000 |
| Julio | 8,180 | 356,320,800 |
| Agosto | 4,370 | 190,357,200 |
| Setiembre | 3,270 | 142,441,200 |
| Octubre | 1,090 | 47,480,400 |
| Noviembre | 540 | 23,522,400 |
| Diciembre | 0 | 0 |
| Total en el año | 60,000 acres pies | 2,613,600,000 pies cúbicos |

Reduction of amount during drought.

In case, however, of extraordinary drought or serious accident to the irrigation system in the United States, the amount delivered to the Mexican Canal shall be diminished in the same proportion as the water delivered to lands under said irrigation system in the United States.

En caso, sin embargo, de extraordinaria sequía ó de serio accidente en el sistema de irrigación en los Estados Unidos, se disminuirá la cantidad de agua que deba entregarse al canal mexicano, en la misma proporción que la que se entregue á las tierras sujetas á dicho sistema de irrigación en los Estados Unidos.

ARTICLE III.

ARTÍCULO III.

Cost of storing, etc., paid by United States. *Id.*, p. 1657.

The said delivery shall be made without cost to Mexico, and the United States agrees to pay the

La expresada entrega se hará sin gasto alguno para México, y los Estados Unidos convienen en pagar

whole cost of storing the said quantity of water to be delivered to Mexico, of conveying the same to the international line, of measuring the said water, and of delivering it in the river bed above the head of the Mexican Canal. It is understood that the United States assumes no obligation beyond the delivering of the water in the bed of the river above the head of the Mexican Canal.

ARTICLE IV.

The delivery of water as herein provided is not to be construed as a recognition by the United States of any claim on the part of Mexico to the said waters; and it is agreed that in consideration of such delivery of water, Mexico waives any and all claims to the waters of the Rio Grande for any purpose whatever between the head of the present Mexican Canal and Fort Quitman, Texas, and also declares fully settled and disposed of, and hereby waives, all claims heretofore asserted or existing, or that may hereafter arise, or be asserted, against the United States on account of any damages alleged to have been sustained by the owners of land in Mexico, by reason of the diversion by citizens of the United States of waters of the Rio Grande.

ARTICLE V.

The United States, in entering into this treaty, does not thereby concede, expressly or by implication, any legal basis for any claims heretofore asserted or which may be hereafter asserted by reason of any losses incurred by the owners of land in Mexico due or alleged to be due to the diversion of the waters of the Rio Grande within the United States; nor does the United States in any way concede the establishment of any general principle or precedent by the concluding of this treaty. The understanding of both parties is that the arrangement contemplated by this treaty extends only to the

el total costo del depósito de la mencionada cantidad de agua que debe darse á México, de la conducción de la misma hasta la línea internacional, de la medición de dicha agua y de su entrega en el lecho del río, arriba de la boca del Canal Mexicano. Queda entendido que los Estados Unidos no asumen otra obligación que la de entregar el agua en el lecho del río, arriba de la boca del Canal Mexicano.

ARTÍCULO IV.

La entrega del agua, como aquí se establece, no se considerará como un reconocimiento por los Estados Unidos de ningún derecho por parte de México á dichas aguas; y se conviene que, en consideración á dicho abastecimiento de agua, México retira cualquiera y todas las reclamaciones, sea cual fuere su objeto, á las aguas del Río Grande entre la boca del actual Canal Mexicano y Fort Quitman, Texas, y declara también completamente arregladas y extinguidas todas las reclamaciones hasta hoy presentadas, existentes ó que puedan después suscitarse ó presentarse contra los Estados Unidos á causa de cualesquiera daños que los propietarios de tierras en México aleguen haber sufrido con motivo de la desviación de aguas del Río Grande efectuada por ciudadanos de los Estados Unidos.

ARTÍCULO V.

Los Estados Unidos, al celebrar este tratado, no otorgan con él, explícita ni implícitamente, ningún fundamento legal para reclamaciones que en lo futuro se aleguen, ó puedan alegarse, procedentes de cualesquiera pérdidas sufridas por los propietarios de tierras en México, ora se deba ó se alegue deberse, á la desviación de las aguas del Río Grande dentro de los Estados Unidos; ni convienen los Estados Unidos de ninguna manera en el establecimiento de ningún principio general ó precedente á causa de la celebración de este tratado. Quedan entendidas las dos Altas Partes

Waiver of all claims
by Mexico, etc.

Legal basis of Mexican
claims not con-
ceded.

Portion of the Rio
Grande affected.

portion of the Rio Grande which forms the international boundary, from the head of the Mexican Canal down to Fort Quitman, Texas, and in no other case.

Contratantes que el arreglo que se proyecta con este tratado sólo se extiende á la porción del Río Grande que forma el límite internacional, desde la boca del Canal Mexicano hasta Fort Quitman, Texas, y á ningún otro caso.

ARTICLE VI.

ARTÍCULO VI.

Exchange of ratifications.

The present Convention shall be ratified by both contracting parties in accordance with their constitutional procedure, and the ratifications shall be exchanged at Washington as soon as possible.

La presente Convención será ratificada por Ambas Partes Contratantes de acuerdo con las formalidades constitucionales de cada una de ellas, y se canjearán las ratificaciones en Wáshington tan luego como fuere posible.

Signatures.

In witness whereof, the respective Plenipotentiaries have signed the Convention both in the English and Spanish languages and have thereunto affixed their seals.

En fe de lo cual, los respectivos Plenipotenciarios han firmado la presente Convención, tanto en inglés como en castellano, y han puesto en ella sus sellos.

Done in duplicate at the City of Washington, this 21st day of May, one thousand nine hundred and six.

Hecho en dos originales en la Ciudad de Washington, el 21 de Mayo, de mil novecientos seis.

ELIHU ROOT [SEAL.]
JOAQUIN D CASASUS [SEAL.]

Exchange of ratifications.

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Washington, on the sixteenth day of January, one thousand nine hundred and seven;

Proclamation.

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington, this sixteenth day of January, in the year of our Lord one thousand nine hundred and seven, [SEAL.] and of the Independence of the United States of America the one hundred and thirty-first.

THEODORE ROOSEVELT

By the President:

ELIHU ROOT
Secretary of State.