



FAX TRANSMISSION

INTERNATIONAL BOUNDARY & WATER COMMISSION,
UNITED STATES & MEXICO

U.S. SECTION

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To: Sylvia
Hidalgo County

Date: June 3, 2005

Fax #: (956) 292-7089

Pages: 8 including this cover sheet.

From: Pam Ahrens

Subject: IBM 67-104

As requested, attached is a copy of subject agreement.

If you have questions, please call me at (915) 832-4711.

*Godfrey,
Valde wants a copy of the Agreement
w/ HC + IBWC on the Novillio Drain.
Please give him this copy so he can
pay the County's share -*



CONTRACT NO. IBM-67-104
Date: October 27, 1966

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO
UNITED STATES SECTION

CONTRACT

THIS CONTRACT, made and entered into this 27TH day of October, 1966, by and between the UNITED STATES OF AMERICA, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, hereinafter referred to as the "Commissioner", and the LOWER RIO GRANDE WATER COMMITTEE, a corporation, hereinafter referred to as the "Committee",

WITNESSETH:

WHEREAS, the Act of September 19, 1966 (Public Law 89-584, 89th Congress); authorizes the Secretary of State, acting through the Commissioner, to conclude an agreement with Mexico for the construction, operation and maintenance by Mexico under the supervision of the International Boundary and Water Commission, of a drainage conveyance channel through Mexican territory for the discharge of waters of El Morillo and other drains in Mexico into the Gulf of Mexico in a manner, and having substantially the characteristics, described in said Commission's Minute No. 223 dated November 30, 1965; and

WHEREAS, it is further provided in said Act that the agreement or agreements shall provide that the costs of construction, including costs of design and right-of-way, and the costs of operation and maintenance, shall be equally divided between the United States and Mexico, and that before concluding the agreement or agreements, the Secretary of State shall receive satisfactory assurances from private

-2-

citizens or a responsible local group that they or it will pay to the United States Treasury one-half of the actual United States costs of such construction, including costs of design and right-of-way, and one-half of the actual costs of operation and maintenance allocated under such agreement or agreements to the United States; and

WHEREAS, it has been determined that one-half of the actual costs of such construction, design and right-of-way allocated to the United States for such drainage conveyance channel will amount to \$345,000; and

WHEREAS, there has been deposited with the Treasury of the United States in a special deposit account the sum of \$345,000, which sum has been deposited by the Committee as the local group's one-half share of the construction, design and right-of-way costs allocated to the United States; and

WHEREAS, preliminary estimates indicate that one-half of the operation and maintenance costs allocated to the United States, and required to be borne by the local group, will approximate \$10,000 per annum; and

WHEREAS, the Committee agrees that valuable and substantial benefits will result from construction, operation and maintenance of said drainage conveyance channel, and desires to enter into a contract with the United States to provide the assurances required by the Secretary of State as set forth in said Act.

NOW, THEREFORE, the parties hereto do mutually agree and contract as follows:

-3-

1. The amount of \$345,000 deposited by the Committee with the Treasury of the United States constitutes payment by the local group of its share of one-half of the actual costs allocated to the United States of construction of the said drainage conveyance channel, including design and right-of-way.

2. Upon the consummation of an agreement or agreements between the United States and Mexico for the operation and maintenance of said drainage conveyance channel by Mexico under the supervision of the Commission, the Committee will, on the first day of July of each year subsequent to completion of construction of said drainage conveyance channel, pay to the United States Treasury the total of one-half of the annual actual costs of operation and maintenance of said drainage conveyance channel which are allocated under said agreement or agreements to the United States.

3. The obligations of the parties hereto are contingent upon the consummation of an agreement or agreements between the United States and Mexico for the construction, operation and maintenance of the said drainage conveyance channel, as provided in said Act of September 19, 1966, and are further contingent upon the Congress of the United States making the necessary appropriations therefor.

4. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this contract or to any benefit to arise therefrom, but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

(Contract No. IBM-67-104)

WITNESS the hands of the parties hereto as of the day and year first above written.

THE UNITED STATES OF AMERICA

By J. S. Friedkin
J. S. Friedkin, United States Commissioner
International Boundary and Water Commission
United States and Mexico
P. O. Box 1859, El Paso, Texas 79950

LOWER RIO GRANDE WATER COMMITTEE, a corporation

By J. S. McManus
J. S. McMANUS President

ATTEST:

J. H. Drake
JACK H. DRAKE Secretary

RESOLUTION NO. _____

WHEREAS, by Act of Congress dated September 19, 1966 (Public Law 89-584, 89th Congress), the Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, was authorized to negotiate an agreement or agreements between the United States and Mexico for the construction, operation and maintenance of a drainage canal through Mexican territory for the discharge of waters of El Morillo and other drains in the United States into the Gulf of Mexico, said Act providing in part that -

"...Before concluding the agreement or agreements, the Secretary of State shall receive satisfactory assurances from private citizens or a responsible local group that they or it will pay to the United States Treasury one-half of the actual United States costs of such construction, including costs of design and right-of-way, and one-half of the actual costs of operation and maintenance allocated under such agreement or agreements to the United States."

WHEREAS, it is the desire of the Lower Rio Grande Water Committee, Inc., a corporation, hereinafter called the "Committee", a responsible local group, to provide such assurances as are required by said Act; and

WHEREAS, the Committee has heretofore deposited with the Treasury of the United States in a special deposit account the sum of \$300,000, and the Committee has available for deposit an additional amount of \$45,000 as the local group's one-half share of the construction, design and right-of-way costs allocated to the United States.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Committee that the contract attached hereto and by reference made a part hereof, between the Committee and the United States of America, be entered into and executed, and the Committee, upon its further deposit

in the United States Treasury special deposit account of the said additional \$45,000, shall assume as therein provided its share of the operation and maintenance costs of the drainage conveyance canal described in said contract.

BE IT FURTHER RESOLVED that the President of the Committee be, and he is hereby authorized to sign and execute the aforementioned contract for and on behalf of the Committee, such to be attested by the Secretary of the Committee.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be transmitted to the Secretary of State of the United States and to the Commissioner of the United States Section, International Boundary and Water Commission, at El Paso, Texas.

PASSED AND ADOPTED this 26th day of October, 1966.

BOARD OF DIRECTORS:

<u>1/s/ J. S. Mc Manus</u>	_____
<u>1/s/ Jack H. Drake</u>	_____
<u>1/s/ Conly Bell</u>	_____
<u>1/s/ Travis A. Vaughn</u>	_____
<u>1/s/ W. D. Parish</u>	<u>1/s/ C. Y. Mills</u>

ATTEST:

1/s/ Jack H. Drake
Jack H. Drake, Secretary

STATE OF TEXAS)
)
COUNTY OF HIDALGO)

I, Jack H. Drake, the undersigned Secretary-Treasurer of the Lower Rio Grande Water Committee, Inc., hereby certify that the above and foregoing is a full, true and correct copy of a resolution duly passed and adopted by the Board of Directors of said Committee at a Special Meeting thereof on the 26th day of October (Regular - Special), 1966.

WITNESS my hand and official seal this 26th day of October, 1966.

/s/ Jack H. Drake
Jack H. Drake
Secretary- Treasurer
Lower Rio Grande Water Committee, Inc.

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