tion in the Upper Rio Grande Basin in Colorado, New Mexico, and Texas, 1936–1937, pp. 7–8 (1938). In 1906, the United States and Mexico settled that dispute and entered into a treaty, with the United States promising to provide Mexico 60,000 acre-feet of Rio Grande water each year. See Convention Between the United States and Mexico Providing for the Equitable Distribution of the Waters of the Rio Grande for Irrigation Purposes, May 21, 1906, 34 Stat. 2953, T. S. No. 455. To deliver on that promise, the United States needed to harness the river's irregular ebb and flow brought on by alternating dry spells and floods. Accordingly, the Federal Government resolved to construct a new dam and reservoir at Elephant Butte in New Mexico, about 100 miles north of the Texas-New Mexico border. Among the first irrigation projects authorized by the Reclamation Act of 1902, the dam and reservoir constituted an essential component of the new Rio Grande Project, an irrigation system implemented by the United States Bureau of Reclamation (Reclamation). See Act of Feb. 25, 1905, ch. 798, 33 Stat. 814.

Thanks to the Rio Grande Project, the United States had harnessed the Rio Grande's water. But that raised another question: What to do with it? Enter the "Downstream Contracts," a series of agreements between the United States and two irrigation districts in New Mexico and Texas. First signed in 1906 and later renegotiated in the 1930s, the Downstream Contracts provided that, after allocating Mexico's share of Rio Grande water under the 1906 Treaty, the United States would deliver apportionments of water to the two political subdivisions—the Elephant Butte Irrigation District in New Mexico (EBID) and El Paso County Water Improvement District No. 1 in Texas (EP1). Specifically, Reclamation agreed to supply water to 88,000 irrigable acres in EBID and 67,000 irrigable acres in EP1, amounting to shares of about 57% and 43% of the reserved water, respectively. Letter from S. Somach to Special Master, p. 36