

### Determination of the guarantee fee to prevent the elapsing of National Water Rights

Mexico City, September 1<sup>st</sup>, 2025

On August 13, 2025, it was published in the Federal Official Gazette (*Diario Oficial de la Federación*) the "Official letter number 349-B-141, through which the Ministry of Finance and Public Credit (*Secretaría de Hacienda y Crédito Público*) authorizes the National Water Commission (*Comisión Nacional del Agua*), under the category of water use, the fees per cubic meter necessary for the determination and payment of the guarantee fee for the non-elapsing of national water rights for the 2025 fiscal year" (the "Official Letter").

The Official Letter is relevant for concession holders, as the National Waters Law (*Ley de Aguas Nacionales*, "LAN") provides that if the volumes of water granted under concession are partially or totally unused for two consecutive years, this may give rise to the elapsing (*caducidad*) of the rights over the unused volumes<sup>1</sup>. In this regard, the LAN stipulates that this elapsing will not apply if the guarantee fee (*cuota de garantía de no caducidad*) is paid, thereby allowing the concession holder to preserve the rights over the unused volumes.

In this context, the Official Letter sets forth the applicable rates for 2025, which will be used to calculate the amounts payable for the guarantee fee, as follows:

---

<sup>1</sup> Article 29 Bis, section VI, of the LAN.

**AUTHORIZED USE TO DETERMINE THE GUARANTEE FEE FOR THE NON-EXPIRY OF NATIONAL WATER RIGHTS**  
(MXN / m<sup>3</sup>)

Uses	Water availability zone 1/							
	Surface water				Groundwater			
	1	2	3	4	1	2	3	4
For waters from surface sources or extracted from the subsoil, except for seawater:	24.7207	11.3808	3.7315	2.8535	33.3104	12.8937	4.4894	3.2634
For water from surface sources or extracted from the subsoil, except for seawater, intended for:								
Use of potable water	0.7347	0.3523	0.1759	0.0876	0.7669	0.3536	0.1994	0.0928
Hydroelectric power generation	0.0084	0.0084	0.0084	0.0084	0.0084	0.0084	0.0084	0.0084
Aquaculture	0.0061	0.0030	0.0014	0.0006	0.0066	0.0030	0.0014	0.0006
Water parks and recreation centers	0.0182	0.0100	0.0047	0.0019	0.0216	0.0105	0.0052	0.0022

\* \* \*

*This document is a summary for disclosure purposes only. It does not constitute an opinion and may not be used or quoted without our prior written permission.  
We assume no responsibility for the content, scope or use of this document. For any comments regarding it, please contact any partner of our firm.*

