

OFFICE OF THE GOVERNOR

STATE OF MONTANA

JUDY MARTZ  
GOVERNOR



STATE CAPITOL  
PO BOX 200801  
HELENA, MONTANA 59620-0801

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INT'L JOINT COMMISSION  
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April 10, 2003

Dennis L. Schornack, Chairman  
United States Section  
International Joint Commission  
1250 23<sup>rd</sup> Street N.W. Suite 100  
Washington, DC 20037

Dear Mr Schornack:

The State of Montana would like the International Joint Commission (IJC) to review the 1921 IJC Order that sets out the procedures for implementing Article VI of the 1909 Boundary Waters Treaty between the United States and Canada. The Order has been used to apportion the flows of the St. Mary and Milk Rivers for the past 82 years. However, no one has evaluated the Order to determine whether it is meeting the intent of Article VI of the Treaty.

The first sentence in Article VI of the Treaty states... *that the St. Mary and Milk Rivers and their tributaries (in the State of Montana and the Provinces of Alberta and Saskatchewan) are to be treated as one stream for the purposes of irrigation and power, and the water therefore shall be apportioned equally between the two countries, but in making such equal apportionment more than half may be taken from one river and less than half from the other by either country so as to afford a more beneficial use to each.* Therefore, we would like the IJC to evaluate the apportionment and determine whether the combined flows of the St. Mary and Milk Rivers have been apportioned equally between the two countries. If the answer is no, we would like the IJC to work with the Provinces of Alberta and Saskatchewan and the State of Montana to determine how the flows can better be apportioned equally...*to afford a more beneficial use to each (country).*

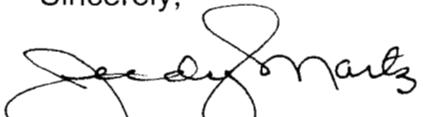
As you know, both countries have collected significant amounts of hydrologic data and gained considerable knowledge and experience in operating the St. Mary/Milk River system over the past 82 years. We would like the IJC to include in this review an evaluation of the assumptions, methods and parameters that are used to establish the natural flows, depletions, and apportionments.

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There is an urgency that the IJC initiate this evaluation in the very near future as the State of Montana and the United States Bureau of Reclamation are evaluating options for meeting existing and future water needs of a number of native American tribes that reside within the basin as well as the Milk River water users that suffer significant water shortages. Further, this information would be beneficial to Alberta with its ongoing planning effort for a new water storage project on the Milk River in Alberta.

If you have any questions or comments regarding our request, please refer them to Rich Moy at (406) 444-6633 as he will be our contact person on this issue.

Sincerely,



JUDY MARTZ  
Governor

c: Todd O'Hair, Governor's Natural Resource Policy Advisory  
Bud Clinch, Director, DNRC  
Montana Senator Conrad Burns  
Montana Senator Max Baucus  
Montana Representative Denny Rehberg  
Robert Davis, Field Representative for the United States  
Russell Boals, Field Representative for Canada