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Watershed
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December 16, 2003

The Right Honourable Herb Gray, P.C., Q.C., Chair, Canadian Section
 The Honourable Dennis Schornack, Chair, United States Section
 International Joint Commission
 United States and Canada
 22nd Floor, 234 Laurier Avenue W
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IJC / CMI OTTAWAACTION: McAuley
INFO: MU/MC/Chair/Gray
NH/Blaney
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Dear Mr. Gray and Mr. Schornack:

As the Minister Responsible for the Saskatchewan Watershed Authority, I wish to provide further information respecting Saskatchewan's views on the potential review by the International Joint Commission (IJC) of the 1921 Order for the St. Mary and Milk Rivers.

Most of the major water courses in Saskatchewan are shared with neighbouring provinces, territories or states. As such, we have come to appreciate the importance of agreements among the various jurisdictions, as a means to establish our long term expectations for water supply and to be able to plan for future development and use. Our water management practises conform to these agreements and water users have come to depend upon them to ensure the sustainability of their investments. Consequently, any action to open up an agreement must be taken with great caution.

Our interest with respect to the 1921 Order of the St. Mary and Milk Rivers, relates to the apportionment of the Eastern Tributaries of the Milk River which includes the Battle and Lodge Creeks and the Frenchman River. The waters of these creeks are integral to the local agricultural economy serving as water supplies for irrigation and livestock. Over the past few years we have had the opportunity to work with Montana officials and the Accredited Officer for Canada to review and revise the administrative procedures for how the sharing is implemented. We have achieved some changes to the administrative procedures to improve water management for all users and we feel there is opportunity to improve upon the administrative procedures while working within the framework of the 1921 Order. Consequently, from Saskatchewan's perspective, we see little need to be opening up the 1921 Order.

In addition to some of the administrative processes, we also believe improvements could be made in the institutional approach used to administer the Order. Currently, only the Accredited Officer for Canada and a similar counterpart in the USA make the final decisions respecting the

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administration of the Order. To facilitate an improved process to achieve better basin-wide water management, we believe that both provincial and state officials should be directly involved in administering the procedures under the 1921 Order in the manner that the Accredited Officers of both countries administer the Order. The province is responsible for water management and numerous reservoir operation and diversion decisions must be implemented by the province to achieve the objectives of the Order. The establishment of a formal institutional arrangement that includes the province would be consistent with a number of other transboundary arrangements in Canada including the Souris River in Saskatchewan.

We appreciate being kept informed on this matter and should the IJC decide to proceed with a review, we would be pleased to co-operate as necessary. With respect to your plan to contact key officials to gain an understanding of the issues and concerns, please feel free to contact Wayne Dybvig, Vice President, Operations Division, Saskatchewan Watershed Authority.

I look forward to receiving future updates on this issue from you as your work proceeds.

Sincerely,



David Forbes
Minister Responsible for
Saskatchewan Watershed Authority

cc: The Honourable Lorne Calvert, Premier of Saskatchewan
Honourable Len Taylor, Minister of Government Relations
Lily Stonehouse, Chair, Saskatchewan Watershed Authority Board
Stuart Kramer, President, Saskatchewan Watershed Authority
Wayne Dybvig, Vice President, Operations, Saskatchewan Watershed Authority