

July 25, 2004

Dear International Joint Commission,

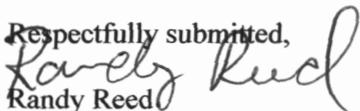
We would like the 1921 Order that implements the 1909 Boundaries Treaty that divides the Milk and St. Mary's Rivers with the United States and Canada to please be reviewed.

For the following reasons:

1. We feel the 1921 Order does not properly interpret the 1909 Boundary Treaty's intentions of treating the Milk and St. Mary's Rivers as one river and dividing them equally 50/50 between the United States and Canada.
2. The 1921 Order shorts the United States side especially in dry years. The United States receives considerably less than 50% of the flows. We are also entitled to half of the Belly River but we give Canada those flows for free. We would like to be treated fairly on the Milk and St. Mary Rivers. 90% of the St. Mary River flows originate in the United States.
3. Because of the incorrect interpretation of the treaty by the 1921 order the United States experiences even greater shortages in the years when demands are the most. We have no intention of irrigating more acres. Because of the Fort Belknap Compact our basin is closed to new irrigation development. With constant shortages it is very difficult for us to invest in irrigation technology improvements. Also the constant shortages limit our cropping and economic opportunities.
4. Due to global warming drought has become more prevalent and shortages here in the Milk River Basin have been experienced nearly every year. In the early days of the century the hydrology of the basin was different at that time they experienced a long cycle of wet years. At the time of the 1921 order there were discussions on building a dam on the U.S. side of the St. Mary's River and jointly operated by the United States and Canada. If that would have happened the water would have been easily divided equally, but the dam was never built.
5. The Order has not been reviewed in 83 years and has not preformed its intended function. The St. Mary and Milk Rivers were intended to be treated as one and divided equally.
6. The St. Mary's Work Group is currently working to get the St. Mary's Canal rehabilitated. A review of the 1921 Order is needed to correctly size the canal.
7. The St. Mary's River is critical habitat for the endangered Bull Trout. We are required to change our operations at Sherburne Reservoir to accommodate winter releases into Swift Current Creek for the Trout. This will cost us another 10,000 acre feet in the 1921 order. We need consideration given to operation changes to accommodate the Bull Trout.
8. The needs of the Blackfeet tribe were never considered in the 1921 Order.
9. The Fort Belknap Reservation natural flow rights of the Milk River were not given consideration in the 1921 Order.

We are not looking to irrigate more acres. We are just trying to improve upon the constant shortages we have in the Milk River Basin. We would just like the 1909 treaty to be fairly interpreted and the 1921 Order does not do that.

We are asking you to please review the 1921 Order and properly interpret the treaty.

Respectfully submitted,  
  
Randy Reed