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August 30, 2004

The Right Honourable Herb Gray  
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Mr. Dennis L. Schornack  
Chairman, United States Section  
International Joint Commission  
1250 – 23<sup>rd</sup> Street N.W., Suite 100  
WASHINGTON D.C. USA 20037

Dear Sirs:

**Re: Montana Request to Open 1921 Order of the St. Mary and Milk Rivers**

Attached is a paper that was prepared by Saskatchewan Watershed Authority as Saskatchewan's position with respect to Montana's request to open the 1921 Order.

As we have noted in previous correspondence and as outlined in the Watershed Authority presentation to you recently at Eastend, Saskatchewan, we are opposed to the opening of the Order. This paper provides background information on our position leading to a number of conclusions and observations.

We appreciate having had the opportunity to provide input to the deliberations of the International Joint Commission on this apportionment issue and we would be pleased to try and provide any additional information the IJC might like to have to assist them.

We continue to look forward to an early resolution of this matter.

Sincerely,

David Forbes  
Minister Responsible for  
Saskatchewan Watershed Authority

<b>IJC / CMI OTTAWA</b>	
ACTION: McAuley	
INFO: Mv/N H/Mc/Gough	
Chair Gray /Bourget	
SEP 08 2004	
<b>FILE / DOSSIER</b>	
3-1-4-9	

Attachment

cc: Honourable Len Taylor, Minister of Government Relations

# **St. Mary and Milk River Systems**

## **International Joint Commission Public Consultation**

### **The Saskatchewan Perspective Regarding the International Joint Commission's Consideration toward Opening of the 1921 Order**

**Prepared by:**

**Saskatchewan Watershed Authority  
August 2004**

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## 1.0 INTRODUCTION

In 2003, the Governor of Montana wrote the International Joint Commission (IJC) and advised that Montana should be entitled to a larger share of the St. Mary and Milk Rivers than currently provided under the 1921 Order. The IJC advised Alberta and Saskatchewan that it was evaluating the merits of opening the 1921 Order and in July 2004, conducted a series of four meetings in total in Montana, Saskatchewan and Alberta where they solicited public views with respect to Montana's request. The Province of Saskatchewan, as represented by the Saskatchewan Watershed Authority (Authority), made a presentation at the meeting in Eastend, Saskatchewan. This brief was completed subsequent to that meeting and provides more detail and background on the Provincial Government's views on this matter.

Although the Boundary Waters Treaty provides direction on the sharing of the St. Mary and Milk Rivers between USA and Canada, the 1921 Order was implemented to provide increased definition to how the water should be shared. Included in the Order were details on the apportionment of the Eastern Tributaries of the Milk River which drain from Saskatchewan to Montana.

The majority of the watershed contributing to the Eastern Tributaries lies in Saskatchewan and as a result interest and concern arise when the possibility of opening the Order is under consideration. It is understood that Montana's written concerns are specific to the shared rivers between Alberta and Montana. However, it is recognized that slightly more than 40% of the USA entitlement on the Milk River, originates from the Eastern Tributaries. Saskatchewan is concerned that sharing arrangements for the Eastern Tributaries could, under review, figure into any ultimate re-apportionment of the water courses deemed necessary to establish equity between Canada and the USA.

## 2.0 WATER MANAGEMENT IN SASKATCHEWAN

The Authority was created in October 2002. The Authority has an integrated mandate related to water management and watershed protection. The staff complement was sourced from SaskWater, Saskatchewan Wetlands Conservation Corporation, and Saskatchewan Environment.

The Authority's mandate includes aspects of watershed protection, including both quantity and quality considerations, water allocation, inter-jurisdictional water management and infrastructure ownership and management.

Representatives of the Authority sit as the provincial members of a number of interjurisdictional boards including: the Prairie Provinces Water Board, the International Souris River Board and the Mackenzie River Basin Board. The Authority is also responsible for how all water management infrastructure related to water supply and use is operated. The Authority works with local water users and reservoir operators to try and maximize the

benefits from variable and often scarce water supplies. The local southwest Saskatchewan Regional Water Resource Manager works directly with the Accredited Officer for Canada and related staff with respect to the 1921 Order.

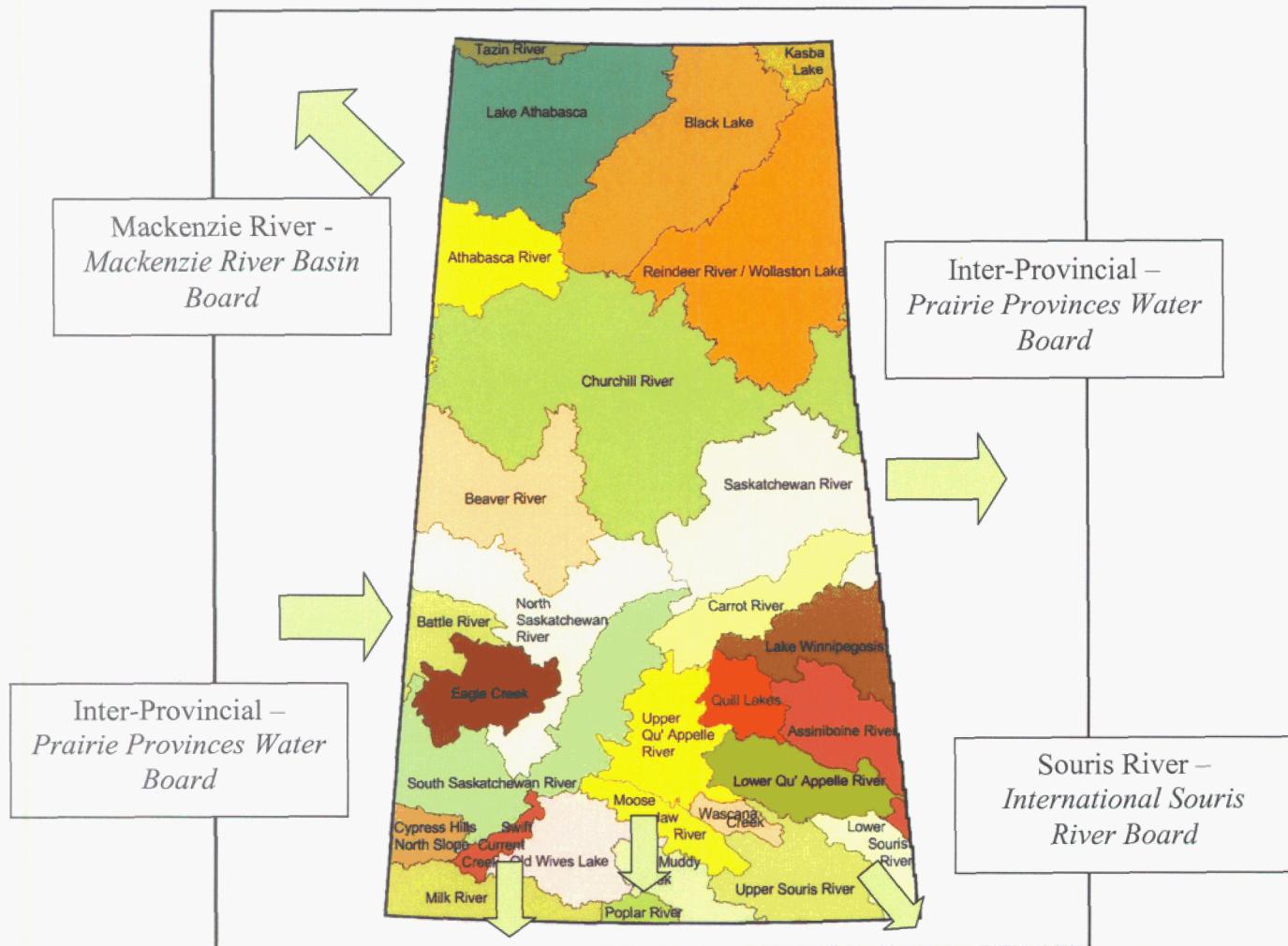
### **3.0 INTERJURISDICTIONAL WATER MANAGEMENT IN SASKATCHEWAN**

Saskatchewan by its geographic location is central to a number of watersheds and as a result is both an upstream and downstream neighbor. Being both a receiver of, and purveyor of transboundary water imposes an obligation on the province to be co-operative but also maintain a strong preference for stable water sharing agreements. Saskatchewan's position and experience is clearly applicable relative to the current considerations affecting the 1921 Order.

Saskatchewan watersheds are affected, as shown in Figure 1, by a number of water sharing agreements on all of its boundaries and include:

- The Eastern Tributaries of the Milk River in the southwest through the Boundary Waters Treaty and Order of 1921;
- The Saskatchewan River Basin and other smaller inter-provincial streams on its western and eastern boundaries, through the Master Agreement on Apportionment (Agreements with Alberta, Manitoba and Canada, managed by the Prairie Provinces Water Board);
- The Poplar River under the provisions of the 1978, IJC "Recommended Flow Apportionment in the Poplar River Basin;"
- The Souris River in the Southeast through the "1989 Agreement between Canada and the US for Water Supply and Flood Control in the Souris River Basin;" and,
- The Mackenzie River Basin in the north through the Mackenzie River Basin Transboundary Water Master Agreement.

Saskatchewan has a strong dependence on water sharing agreements to provide a basis for long-term planning and sustainability of water supplies.



*Figure 1: Showing Saskatchewan watersheds and the apportionment agreements affecting its borders*

Within the Saskatchewan portion of the Eastern Tributaries, those which are formally apportioned are also fully allocated. As a result, existing developments rely heavily upon water made available through the existing sharing arrangements. Any changes to those sharing arrangements that might decrease that supply would impose an increased shortage of supply to committed allocations.

Any changes to the sharing arrangement on the Eastern Tributaries could have implications to the existing sharing arrangements under the Master Agreement on Apportionment between Alberta and Saskatchewan. An inter-provincial sharing arrangement governed by the 1969 Master Agreement on Apportionment requires Alberta to deliver 75% of the water arising within Alberta to Saskatchewan on the Battle, Lodge and Middle Creeks. Saskatchewan must, under the current conditions of the 1921 Order, deliver 50% of the water arising within

the Eastern Tributaries, as Canada's share, to the United States. The inter-provincial sharing arrangement was developed on the basis of the 1921 Order. Under the current arrangement, Saskatchewan and Alberta each have an entitlement to 50% of Canada's share of the Eastern Tributaries. This interconnection requires careful inter-provincial water management in order to meet the obligations of the both sharing agreements. Any change to the apportionment at the Canada / USA border would impose a need to reassess inter-provincial apportionment.

The St. Mary River is a major tributary of the South Saskatchewan River that drains from Alberta to Saskatchewan. The South Saskatchewan River is shared among Alberta, Saskatchewan and Manitoba under the provisions of the 1969 Master Agreement on Apportionment. In general, Alberta must provide 50% of the natural flow and 50% of any of its entitlements under the 1921 Order. Any reduction in the Alberta share would be shared 50% by Alberta, 25% by Saskatchewan and 25% by Manitoba.

## **4.0 THE MILK RIVER WATERSHED – EASTERN TRIBUTARIES**

### **4.1 General**

Water use development in the Eastern Tributaries began, as most western Canadian development did, with the late 1800s development of the railroad, settlement, and the need for water for irrigation and domestic use. What is now Saskatchewan, contains the majority of the area known as the Eastern Tributaries.

By the late 1920s, a significant number of water development projects had been developed in the Eastern Tributary area. Most of the projects were constructed by industrious individuals relying on diversions from naturally flowing streams, without the benefit of significant reservoir storage. Many of these projects were located within the Cypress Hills area, the headwaters to much of the Eastern Tributary area.

Drought, and a depressed economy in the 1930s created a new impetus for the Canadian government to improve the security of water supplies, for what were essentially dryland farmers and ranchers in the area. Through the development of reservoirs and diversion structures as well as the creation of several larger intensive irrigation projects some increased reliability of water supply and opportunity for irrigation expansion was created.

The large group project and individual project development continued to the late 1960s and early 1970s at which time allocations within the affected watersheds approached fully allocated limits. Currently all of the formally apportioned Eastern Tributaries are subject to irrigation development moratoriums, preventing further irrigation allocations.

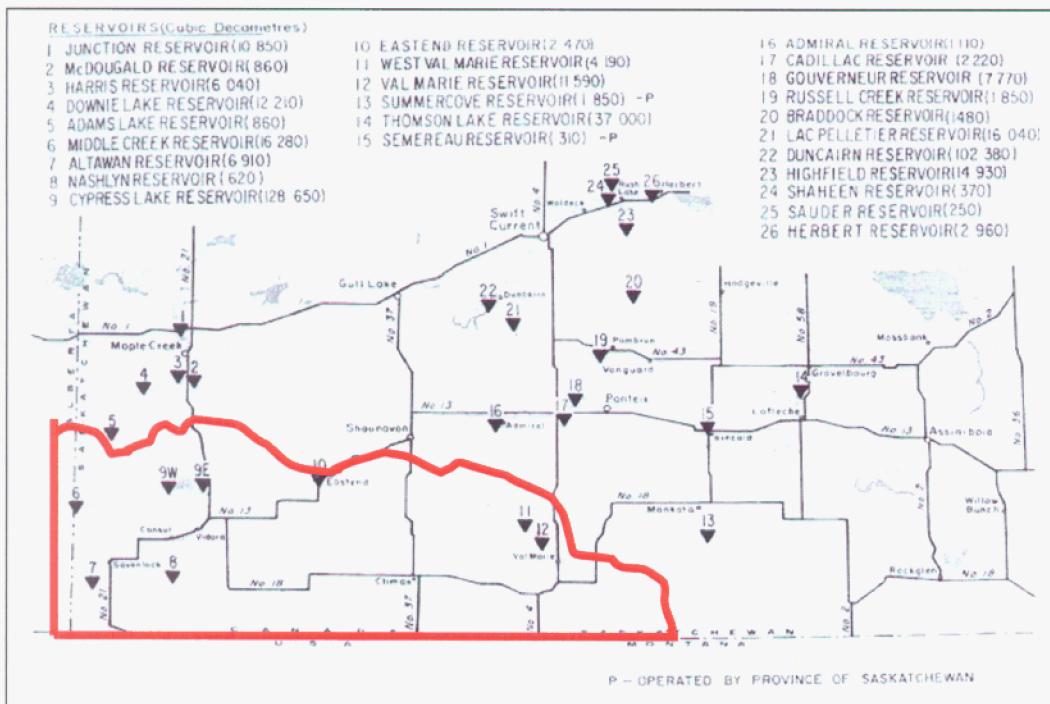


Figure 2: Showing reservoir development in southwest Saskatchewan; Eastern Tributary development shown within the thick boundary.

#### 4.2 Infrastructure Development

Major infrastructure development in Saskatchewan includes 7 reservoirs and more than 15 major diversion works, involving weirs, checks, diversion canals and related gates, and pumps. A total of 170,700 cubic decameters ( $\text{dam}^3$ ) can be stored within these works; however, Cypress Lake in the headwaters of Battle Creek and Frenchman River, comprises 129,000  $\text{dam}^3$  of this volume, but does not frequently fill. As a result, the typical live storage range for these works is approximately 100,000  $\text{dam}^3$ .

In Alberta, another 8 smaller reservoir works have been constructed with a combined volume of 7,400  $\text{dam}^3$ .

The depreciated value of the works constructed in Saskatchewan is considered to be approximately 13.4 million dollars.

#### 4.3 Irrigation Development

Three large irrigation projects near Consul, Eastend, and Val Marie were constructed through the services of the Prairie Farm Rehabilitation Administration (PFRA). The Province of Saskatchewan also assisted in the development of three large irrigation projects that depend on the PFRA constructed reservoirs. These projects were constructed near Govenloch (Spangler and Middle Creek projects) and near Vidora (Vidora Project).

These larger scale irrigation projects, which are all located in Saskatchewan and within the contributing areas of the formally apportioned tributaries, include 7,800 hectares (17,500 acres) of irrigation. Irrigation methods on these projects are largely of the gravity supply type, including border dyke, and corrugation. A small amount of sprinkler irrigation has replaced some of the gravity works; however, the limited reliability of supply and related risk of poor returns on investment has restricted the amount of conversion to sprinkler irrigation.

A total of approximately 810 individual irrigation projects exist within the Saskatchewan and Alberta areas of the Eastern Tributaries. Their combined irrigable area is approximately 13,800 hectares (30,700 acres) and includes development in non-monitored tributaries as well as contributing and non-contributing areas of those watersheds. Within the contributing areas of formally apportioned tributaries, the individual irrigated areas are 8,300 hectares (18,500 acres). Irrigation types include: wild flood, backflood, border dyke, corrugation, and some sprinkler development; again limited by the same risks as described for the larger projects.

The combined depreciated capital value for these developments is estimated to be approximately 21 million dollars. Production sales from these works are estimated to be 3.2 million dollars annually. Production provides basic hay and feed supplies and directly supports 30% of all beef cows in the watershed.

#### 4.4 Domestic, Livestock and Other Uses

Approximately 1,400 stockwatering, wildlife and other such reservoirs exist in the watershed. Their total allocation is approximately 7,800 dam<sup>3</sup> which include uses by Ducks Unlimited and, recreation interests. Considering only the contributing areas to the monitored tributaries the associated allocation for these uses is approximately 3,700 dam<sup>3</sup>. Most rural residents use ground water as their source of water supply for household and to some extent livestock use. The majority of the surface water reservoirs provide pasture water supply for livestock.

With the creation of the Grasslands National Park, a number of surface water reservoirs previously used for livestock in the park area have now been designated for wildlife or fire suppression use.

Only two communities, Eastend and Bracken, use surface water for municipal purposes. Eastend lies within the contributing area of the Frenchman River and has an allocation of 185 dam<sup>3</sup>.

## 4.5 Hydrology and Water Use

Four major streams exist within the Eastern Tributaries: Middle, Lodge and Battle Creeks, and the Frenchman River; see Figure 3. The headwaters of Battle, Middle and Lodge Creeks reside in Alberta. Headwaters for the Frenchman River reside solely in Saskatchewan. The Cypress Hills are the source of the majority of runoff supplying these streams. Provincial and international boundaries dissect the watershed area for the Eastern Tributaries.



Figure 3: Showing all Eastern Tributaries and inter-jurisdictional boundaries

Formally apportioned tributaries include Lodge/Middle Creek, Battle Creek and the Frenchman River.

Lodge and Middle Creek are the western most tributaries and have a tendency for high spring flows arising from the lower, and warmer, areas of the Cypress Hills. Frequently flows diminish to dry stream conditions by mid summer.

Battle Creek also experiences high, but later spring flows, arising from the higher areas of the Cypress Hills. Flow diminishes toward summer but the creek is infrequently dry as it is supported by strong groundwater discharge from the conglomerate bedrock of the Cypress Hills recharge area.

The Frenchman River is the largest of the three streams, by runoff volume, capable of producing high spring flows far exceeding available on stream storage. Periodically, it is effectively dry during late summer but is supported by groundwater discharge during fall and winter.

Thirty-five stream flow and 14 water level station sites are used by Environment Canada and USGS to monitor flow on these formally apportioned tributaries in Canada.

Other Eastern Tributaries include: Woodpile, Lyons, Coteau, Cottonwood, Whitewater, McEachern, Horse and Rock Creeks. These streams are not currently formally apportioned and would only be considered for such when allocation exceeds 25% of the natural median flow. Only Lyons Creek is currently approaching that limit.

#### 4.6 Water Supply and Use Statistics

Typical of most prairie hydrology, annual runoff is highly variable from year to year.

Table 1 shows the maximum, minimum and median flows on the formally apportioned streams.

**Table 1**  
**Annual Flows and Allocations**  
**for**  
**Apportioned Eastern Tributaries in Saskatchewan**  
 $(\text{dam}^3)$

Tributary	Maximum	Median	Minimum	Diversion and Allocation			Total	Allocation As % of Median
				Irrigation	Domestic	Other		
Middle/Lodge Creeks	161000*	26,000	140+	~13159 ~9863	~1127 ~462	~2453 ~1699	~16739 ~12024	46
Battle Creek	138000*	23,800	4500+	~19785 ~19206	~914 ~419	~555 ~43	~21254 ~19668	82
Frenchman River	445000*	68,800	11100#	31470 28019	1777 864	1,241 185	34488 29068	43
Eastern Tribs - Total	744,000	118,600	15740	64414 57088	3818 1745	4249 1927	72481 60760	51

Notes:

- represents 1952 occurrence
- + represent 2001 occurrence
- # represents 1992 occurrence
- ~ reflects limited information on actual Alberta diversions

*Table 1: Annual Flows and Allocations for Apportioned Eastern Tributaries in Saskatchewan*

The cumulative median runoff for the apportioned streams is approximately 120,000  $\text{dam}^3$ ; however, the minimum and maximum flows can fluctuate by six times the median value.

Table 1 also shows the current diversions and allocations within the formally apportioned watersheds. Normally development is curtailed when allocations approach or meet the median natural flow value.

Lodge and Middle Creeks at 46% of median and the Frenchman River at 43% of median fit within the development limitation guidelines. Battle Creek has been allocated to the extent of 82% of the median; however, the existence of Cypress Lake provides for the diversion of water from the Frenchman River to Battle Creek to support the increased levels of development in the Battle Creek watershed.

Apportionment of water through the Boundary Water Treaty and the 1921 Order requires that the natural flows within the Eastern Tributaries be divided equally between Canada and the United States in any one year. With nearly 50% of median flows allocated in all the formally apportioned watersheds it is apparent that shortages to existing development will occur in those watersheds when actual supply is less than the long term median. Consequently, shortages to demand are experienced on these individual streams from 35 to 45% of the time and storage is necessary to sustain this level of demand.

Other non-monitored tributaries do not have sufficient development to warrant formal apportionment. Canadian uses are considered to be fully met in these non-apportioned tributaries.

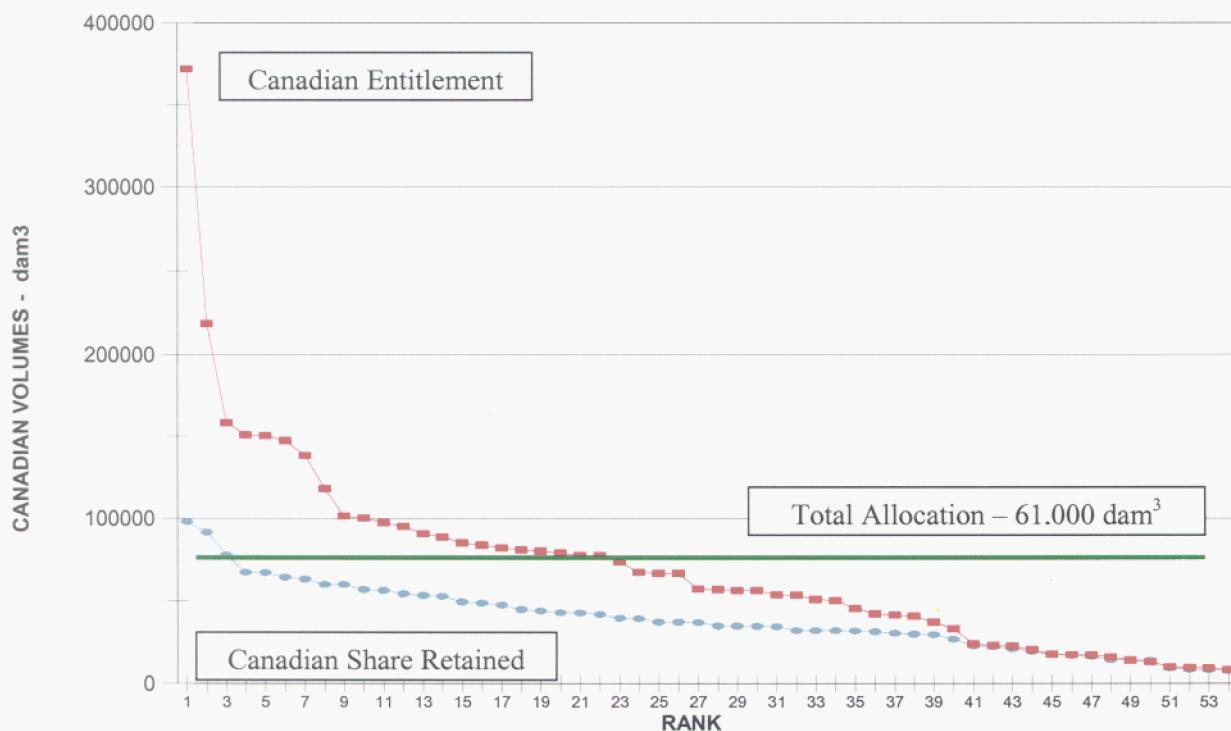


Figure 4: Canadian entitlement, volume retained and total allocation within the Eastern Tributaries

## 5.0 Managing for Apportionment

### 5.1 Activities

Helping to meet Canada's apportionment obligations requires significant interaction with all partners involved with the apportionment process. The major partners involved with the apportionment process include:

- Alberta Environment,
- Environment Canada,
- PFRA,
- Montana Department of Natural Resources,
- Saskatchewan Watershed Authority,
- United States Geological Survey,
- Major Irrigation Districts, and
- USA Reservoir Operators

During the early stages of spring runoff, snow pack assessment followed by monitoring and observation of the active flow and level monitoring sites is undertaken to determine and predict runoff and peak flow potential. Water management structure operation is directed to ensure that as much runoff as possible is contained by live reservoir storage. Water is stored toward the upper end of the watersheds to provide as much flexibility as possible in the release of the stored water later in the season. At this stage, communications with PFRA structure operators and Environment Canada water survey technicians are essential to timely and prudent structure operations. During large spring runoff events, communications occur with Montana Department of Natural Resources (Montana DNRC) and specific United States reservoir managers to advise of large peak flow occurrences and reservoir operations which may impact them.

As spring runoff winds down, an assessment of storage volumes and accumulated deficits are made to determine the Canadian share available and to project the availability of supply to the various uses throughout the watersheds. Reservoir storage volumes within Alberta reservoirs are also monitored to determine the impact to the Canadian deficits. Because inter-provincial apportionment is managed by annual division period and international apportionment is managed on a 15/16-day division period, Saskatchewan may frequently be obligated to deal with resolving international deficit issues without the benefit of deficit receipts from Alberta. Consequently, careful inclusion of Alberta's storage implications must be included in water management strategies for Saskatchewan on the Middle Creek, Lodge Creek and Battle Creek watersheds.

Typically, spring meetings with the major Saskatchewan irrigation project organizations are held to provide information on the anticipated availability of water for their projects. Anticipated volumes available for first and in some instances second irrigation deliveries are provided. During years of shortage plans for equitable distribution of available supplies are discussed and finalized.

Throughout the apportionment season, Authority staff carefully monitor day-to-day flow record information. Interim and projected division period assessments are undertaken to ensure that appropriate reservoir and structure operations are made to ensure timely and efficient use of Canadian supplies and to ensure that deficits are able to be repaid in a timely and beneficial manner. Frequent communication with Montana DNRC, USGS, and Environment Canada occurs throughout the year to ensure USA water needs are incorporated into water management plans and to ensure awareness of planned reservoir releases which may impact the activities of those partners.

## 5.2 Apportionment Operations

Administrative measures have been developed to practically administer the requirement for 50/50 sharing of the natural flow. It is agreed that Canada will try and provide 50% of the natural flow that occurs in each consecutive 15-day period. The Canadian and USA Accredited Officers have established that deficits may be created by Canada provided they are made up in subsequent division periods. However, if flows occur that are surplus to the USA entitlement, Canada does not receive any credit for that surplus.

Figure 5 shows the results for Battle Creek apportionment for 2003 which depicts a typical operation.

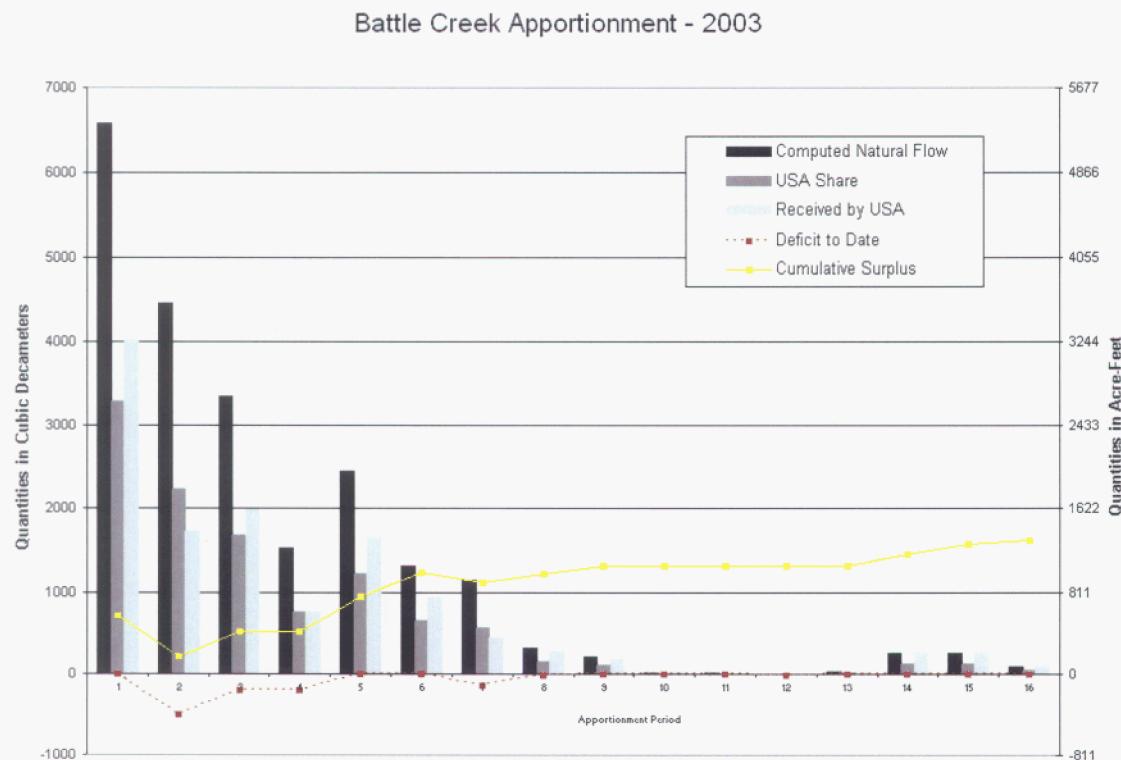


Figure 5: Apportionment record for Battle Creek for 2003

In the second division period, the USA received less than its entitlement creating a deficit to apportionment. Current procedures require repayment in the division period following the accrual of the deficit and deficits are carried forward until repayment is completed. No carry-forward credit is received for surpluses from earlier periods. This is shown in the graph (Figure 5) where there is a comparison of the plotted deficit and the accumulated surplus. These plots show that Canada was always in a cumulative surplus, but was not able to eradicate the deficit until period 8.

Benefits may arise from delaying or distributing deficit repayment to later periods as occurred on Battle Creek in 2003. Canada benefits from availability of higher reservoir levels arising from water retained, which provides for the completion of timely irrigation needs. The United States, due to the limited reservoir capacities within Montana, benefits from the increased storage in Canadian reservoirs as water stored is then later released to make up deficits and meet timely irrigation and livestock needs.

The acceptability of such practices is not currently captured within the existing documented procedures; however, inter-jurisdiction cooperation has allowed this best management practice to be propagated to the benefit of both countries. Discussion is continuing on how the acceptability of this practice could be captured within the written procedures.

### 5.3 Historical Apportionment

Within the Eastern Tributaries, the terms of the Boundary Waters Treaty and 1921 Order have been met successfully. Figure 4 shows a plot of the annual volumes ordered from highest to lowest of both Canada's entitlement and the amount Canada was able to use or retain on the Eastern Tributaries. This plot shows that historically, Saskatchewan is only able to capture its entitlement in low flow years and consequently, Montana receives flows in excess of its entitlement in approximately 75% of the years. This results in Montana receiving 64% of the natural flow on the apportioned Eastern Tributaries in median or higher flow years. If the excess flow on the un-apportioned streams is considered, the USA receives more than 80% of natural flow that originates from tributaries to the Milk River that rise or flow through Saskatchewan.

Considered independently there have been infrequent and insignificantly small excursions outside of the 50/50 sharing arrangement. For the most part those excursions have occurred in extremely dry years and actual volume shortages were small as well. In those instances deficits remained un-refunded because channel losses incurred for the repayment of the deficit would have consumed an unreasonably large component resulting in limited, if not, non-existent benefits to the United States arising from the repayment.

The long-term mean flow weighted average of the natural flow delivered to the United States is 64%. On an individual stream basis the long-term mean actual flows delivered to the United States are:

- For Lodge/Middle Creeks – 59% within a range of 0% to 93%
- For Battle Creek – 63% within a range of 38% to 100%
- For the Frenchman River - 67% within a range of 45% to 98%

## 5.4 Co-operative Water Management

### 5.4.1 A Philosophy

As with most multi-partner management arrangements, there are three elements needed for success. The apportionment process between Canada (Saskatchewan and Alberta) and the United States (Montana) is no exception. The arrangement requires a defined set of metes and bounds within which to work, represented in this case by the Boundary Waters Treaty and 1921 Order. Within the terms of the Treaty, a mutual acceptance of administrative arrangements by which to meet the objectives is required. Such has been made available through the continually evolving set of procedures watched over by the Accredited Officers for both countries.

Finally, there must be a means of facilitating an open and non-threatening form of communication. In recent years there has been a strong desire by all parties to foster good communication, evident by the ongoing operation communications and the recent establishment of the Eastern Tributaries Technical Working Group (ETTWG).

### 5.4.2 Accomplishments

Creating a process by which to undertake equitable apportionment is not an overnight process. The evolution of the “Procedures Manual for Apportionment within the Milk River Basin” has been a process of time. Some of the milestones of accomplishments of the past include:

- Development and acceptance of channel loss and evaporation loss calculations;
- Development and acceptance of mathematical spreadsheet models; and
- Clear and specific descriptions of monitoring practices.

More recently changes and innovations have included:

- Change from a 10-day division period to 15/16-day division period;
- Improved response in operations to water management issues; and
- Establishment of the ETTWG.

Perhaps the most significant accomplishments in recent time has been the establishment of the ETTWG in February of 2003. The ETTWG is a multi- agency working group involving participation from Canada, Alberta, Saskatchewan, Montana, and the United States.

The ETTWG is tasked to investigate specific items of study which to date have included:

- The review of technical studies for the practical application of them in the apportionment process;
- The investigation of alternatives for deficit delivery management which could include consideration toward zeroing of small year end deficits, recognition of deficit repayment delays in cases of mutual benefit, and development of a Letter of Intent to describe the alternatives to be implemented;
- The application of channel losses to minor uses to ensure a more equitable recognition of the impact of minor uses on apportionment; and
- Application of improved evaporation/precipitation and reservoir content values.

The ETTWG fosters improved communication among the various apportionment players and provides for the investigation of improvements within the confines of the existing Treaty and Order.

## 5.5 Institutional Administration of 1921 Order

Saskatchewan believes that excellent progress has been made in improving the administrative arrangements of the Order through close communication between the Accredited Officers for Canada and the USA and the local water managers in Saskatchewan and Alberta. This is currently an informal or ad hoc arrangement as the provinces, although the provincial water managers of the resource, have no formal means by which to participate in the apportionment decisions.

Saskatchewan has observed that the formal establishment of the International Souris River Board to administer the apportionment of the Souris River that has federal and provincial representation, has fostered close and effective working relationships between the water managers in Saskatchewan, Manitoba and North Dakota. This has led to more effective management of the scarce water resource within the framework of the Apportionment Measures for the Souris River. Given that there is a higher frequency of water shortage in the Eastern Tributaries than the Souris and a greater dependence of the local economy on water supplies, the merits of establishing a formal board with provincial and state representation would seem to be at least as compelling under the 1921 Order as the Souris Apportionment Measures.

## 6.0 CONCLUSIONS AND OBSERVATIONS

Saskatchewan does not support the opening of the 1921 Order for review by the IJC. This position is premised on the basis of the following conclusions and observations.

1. Stable transboundary agreements are critical to water management and long-term planning. There must be a high threshold of criteria by which parties entertain the idea of reconsidering existing arrangements. The agreement was entered into on the part of the parties on a willing basis where, at the time, all parties understood the limitations with respect to data and future demand. Saskatchewan does not believe that Montana's issue rises to the level of criteria appropriate for opening the 1921 Order.
2. Inter-provincial apportionment agreements are closely integrated with the requirements of the 1921 Order and thus those agreements rely heavily on the stability of the Order. Any proposed change to the 1921 Order may implicate the need for off-setting changes to inter-provincial agreements affecting the provinces of Alberta, Saskatchewan and Manitoba. There is no guarantee that Saskatchewan would be successful in getting the Master Agreement on Apportionment opened to seek changes at the Alberta / Saskatchewan boundary as a result of changes at the Canada / USA border.
3. The existing system has a fragile water supply and demand balance. Shortages on both sides are frequent and any changes that would reduce the water supply situation in Canada, would have significant impacts to users.
4. There has been significant investment on the part of the governments of Canada, Saskatchewan and Alberta and users in both provinces, to make best use of available supplies. Any reduction in the availability of water through changes to the Order, could lead to further depreciation in the value of those assets.
5. The existing Order is sufficiently flexible. Parties must ensure that all opportunities to adapt special administrative measures within the framework of the existing Order or to improve methods of natural flow calculation have been exhausted before there is any contemplation of looking for changes to the Order.
6. Montana receives 64% of the available natural flow of the Eastern Tributaries that are formally apportioned and over 80% of the total natural flow when unapportioned streams are included.
7. The administration of the Order could be improved through the establishment of an administrative IJC board with representation from Canada, USA, Montana, Alberta and Saskatchewan.