

TO: MEMBERS OF THE INTERNATIONAL JOINT COMMISSION

FROM KAY M. BLATTER  
LOCAL IRRIGATOR  
PRESIDENT OF FORT BELKNAP IRRIGATION DISTRICT

CHAIRMAN OF THE MILK RIVER JOINT BOARD OF CONTROL  
CHAIRMAN OF THE ADVISORY COUNCIL OF THE MILK RIVER INTERNATIONAL ALLIANCE  
A WATERSHED GROUP)

DEAR MEMBERS:

As you can see from the heading of this letter, I have not only a personal interest in the milk river and its water because of my farming and ranching interests but I also work with several groups that represent not only irrigators, but a lot of folk from the communities and the surrounding land that makes up the milk river watershed, whose lively all largely depends upon the milk river.

Due to this dependency, I and (we) respectively request that the IJC open for review the interpretation of language of ARTICLE VI of the treaty in its 1921 order.

The following are some of the reasons we feel are valid.  
Thank you for your consideration.

Sincerely



Kay M. Blatter

**Reasons:**

- (1) We like the 1909 Boundary Waters Treaty, but not the Order. We think the Treaty is fair, but not the 1921 Order that implements Article VI of the Treaty. The Calgary Herald stated in April 2004 that we want to reopen the Treaty, and this is not true.
- (2) The Order entitles the U.S. to receive considerably less water than Canada, especially in dry years. The U.S. is entitled to 50% of the combined flows of the St. Mary and Milk River and tributaries under Article VI of the Treaty. However, the U.S. receives considerably less than 50 percent. The U.S. actually receives an average of about 40 percent and Canada receives about 60 percent.

In dry years, the U.S. receives even less. For example, in three recent dry years of 1998-1999, 1999-2000, 2000-2001, the U.S. was only entitled to 44%, 42% and 40%, but received 36%, 33% and 36% of the combined flows of the St. Mary and Milk Rivers. Canada received 64%, 66% and 64% respectively, in these same years. The attached figure shows the amount of water the U.S. and Canada are entitled to under the 1921 Order. Note the large discrepancy during dry years.

- (3) The discrepancy in the entitlements has exacerbated the water shortages experienced in the Milk River Basin of Montana. The U.S. Reclamation Service, predecessor to the Bureau of Reclamation, testified in the 1910s that it could irrigate 220,000 acres in the Milk River Project. Today, the Milk River project irrigates 98,700 project acres and 11,500 acres under separate contracts, and

provides 4,400 acre-feet of water to municipalities. The Project is short water in 6 years out of every 10 and everyone receives about one-half of a full water supply in good years. A revised order is needed to reduce these water shortages and for the U.S. to receive its fair share.

- (4) Drought is becoming more prevalent. The water supply in the Milk and St. Mary River Basins is being affected by continuous drought and according to U.S. climatologists, this may become the norm than years with above precipitation. To illustrate this, the glaciers in Glacier National Park have melted to about one-fourth of their size in the past 80 years. These glaciers, which are in the headwaters of these basins, will soon be gone. When this happens, the total volume of runoff will be less and timing of runoff will change. The issue was not contemplated in 1909 and the Order does not address it.
- (5) The Order has not been reviewed in 83 years. The U.S. tried to have the Order reviewed and revised in 1931, but was unsuccessful. Back then, the U.S. felt the Order was unfair to the U.S., but Canada testified to preserve its language. Canada argued that not enough time had elapsed since the Order was established in 1921. Today, far more is known about the apportionment, conservation, hydrology and water uses in the two basins.
- (6) The review is timely. The U.S. and Montana are proposing to rehabilitate the St. Mary canal and diversion works and to enlarge Fresno Reservoir. The rehabilitation could cost as much as \$100 million and a revised order is critical for determining the appropriate canal size, costs and benefits. Further, Alberta is evaluating potential storage sites in the Milk River Basin and this information will help the province assess storage size, costs and benefits.

### U.S. and Canada Apportioned Flow as a Function of Annual Flow Volume (1950-2001 IJC data)

