

DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION
HAVRE WATER RESOURCES REGIONAL OFFICE



JUDY MARTZ, GOVERNOR

210 6TH AVENUE
PO BOX 1828

STATE OF MONTANA

PHONE: (406) 265-5516
FAX: (406) 265-2225

HAVRE, MONTANA 59501-1828

July 27, 2004

Honorable Commissioners
International Joint Commission

RE: Public Consultation Sessions on St. Mary and Milk River Water Apportionment

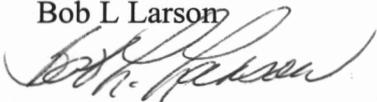
I am a third generation Montana citizen who has made a career of involvement in natural resources and water resources. I have held the position of Regional Manager for the Water Resources Division of DNRC for the State of Montana since July of 1978. While serving in that capacity my administrative responsibilities include the water distribution and enforcement responsibilities of water use permits issued on the Milk River and the tributaries to the Milk River based on the prior appropriation doctrine. The Milk River mainstream has been closed to new appropriations since 1982. Each spring near April 1st a Milk River Water Availability Letter is generated from my Regional Office of the DNRC to junior water right permit owners on the Milk River informing them of the water availability or the lack there of for their beneficial use. Factual and projected water availability from spring runoff and snow depth water equivalent data obtained from State and Federal natural resource agencies is used to document the information within this letter and support its enforcement of protecting the senior water rights of the early 1900's US Bureau of Reclamation Project water users and the Fort Belknap Indian Tribal water rights of the 1800's. Within the last twenty (20) years of sending out these water availability letters, twelve (12) of those years documented water short years to the senior US Bureau of Reclamation Project and Fort Belknap Tribal water users. Water was not available to meet the service supply needs of these senior users. Those years included the following: 1983, 1986, 1988, 1989, 1992, 1993, 1995, 1998, 2000, 2001, 2002, and 2003.

Honorable Commissioners
Page 2
July 27, 2004

Before the construction of the St. Mary River inter-basin transfer of water, the Milk River essentially dried up as an intermittent stream in August and September as early appropriators on the Milk River filed water appropriations where they described digging into the river channel to secure a water source. Spring runoff on the Milk River primarily occurs in February and March due to the historic warm "Chinook Winds" east of the Rocky Mountains. This is during a period under the current IJC 1921 Order where waters of the Milk River are split 50/50 between Canada and the United States. Spring runoff of the St. Mary River primarily occurs in June, is much greater than the Milk River, and is during a period under the current IJC 1921 Order where Canada receives 75% of flows from the St. Mary River. Historical water availability and hydrological data of the two rivers show factual information depicting in most years, especially in drought, the U.S. entitlement is less than Canada's. The IJC Order of 1921 does not implement the language and sharing spirit of the first sentence of Article VI of the 1909 Boundary Waters Treaty.

An opening and review of the IJC 1921 Order now would be timely as Canada has been considering the construction of storage facilities at Milk River, Alberta and the U. S. is considering rehabilitation of the St. Mary Diversion Project. The order has not been reviewed in 83 years, much more hydrological and historical water availability data is available for current analysis than was available in 1921, and it is the responsibility of the International Joint Commission to pursue the common good of both countries as an independent and objective adviser to the two governments.

Respectfully,
Bob L Larson



Regional Manager
Water Resources Division
blarson@state.mt.us