

(b) Notwithstanding the annual division of flows that is described in (a), in each year Saskatchewan will, so far as is practicable as determined by the Board, deliver to North Dakota prior to June 1, 50 percent of the first 50 000 cubic decametres (40 500 acre-feet) of natural flow which occurs during the period January 1 to May 31. The intent of this division of flow is to ensure that North Dakota receives 50 percent of the rate and volume of flow that would have occurred in a state of nature to try to meet existing senior water rights.

(c) Lake Darling Reservoir and the Canadian reservoirs will be operated (insofar as is compatible with the Projects' purposes and consistent with past practices) to ensure that the pool elevations, which determine conditions for sharing evaporation losses, are not artificially altered. The triggering elevation of 485.79 metres (1593.8 feet) for Lake Darling Reservoir is based on existing water uses in North Dakota, including refuges operated by the U.S. Fish and Wildlife Service. Each year, operating plans for the refuges on the Souris River will be presented to the Board. Barring unforeseen circumstances, operations will follow said plans during each given year. Lake Darling Reservoir will not be drawn down for the sole purpose of reaching the elevation of 485.79 metres (1593.8 feet) on June 1.

Releases will not be made by Saskatchewan Water Corporation from the Canadian reservoirs for the sole purpose of raising the elevation of Lake Darling Reservoir above 486.095 metres (1594.8 feet) on June 1.

(d) Flow releases to the United States should occur (except in flood years) in the pattern which would have occurred in a state of nature. To the extent possible and in consideration of potential channel losses and operating efficiencies, releases from the Canadian dams will be scheduled to coincide with periods of beneficial use in North Dakota. Normally, the period of beneficial use in North Dakota coincides with the timing of the natural hydrograph, and that timing should be a guide to releases of the United States portion of the natural flow.

(e) A determination of the annual apportionment balance shall be made by the Board on or about October 1, of each year. Any shortfall that exists as of that date shall be delivered by Saskatchewan prior to December 31.