

DRAFT TERMS OF REFERENCE TO THE INTERNATIONAL
JOINT COMMISSION CONCERNING THE WATERS
WHICH ARE OF COMMON INTEREST ALONG, ACROSS, OR
IN THE VICINITY OF THE INTERNATIONAL BOUNDARY
FROM THE CONTINENTAL DIVIDE ON THE WEST UP
TO AND AS FAR AS THE WESTERN LIMIT OF THE
ST. MARY RIVER DRAINAGE BASIN ON THE EAST

In accordance with Article IX of the Boundary Waters Treaty of January 11, 1909, the Governments of Canada and the United States have agreed to refer to the International Joint Commission the following matters for joint examination and advisory report, including recommendations and conclusions:

1. To investigate and report on the water requirements arising out of the existing dams and other works or projects located in the waters which are of common interest along, across, or in the vicinity of the international boundary from the Continental Divide on the west up to and as far as the western limit of the St. Mary River drainage basin on the east.
2. To report whether in the judgment of the Commission further uses of these waters within their respective boundaries by Canada and the United States would be practicable in the public interest from the points of view of the two Governments.
3. Having regard to the reports made under paragraphs 1 and 2, to make advisory recommendations concerning the apportionment which should be made between Canada and the United States of such of the waters under reference as cross the international boundary.
4. To conduct necessary investigations and to prepare a comprehensive plan or plans of mutual advantage to the two countries for the conservation, control, and utilization of the waters under reference in accordance with the recommended apportionment thereof.

In the conduct of its investigations, and otherwise in the performance of its duties under this Reference, the International Joint Commission may utilize the services of engineers and other specially qualified personnel of technical agencies of Canada and the United States, and will, so far as possible, make use of information and technical data which have been acquired by such technical agencies or which may become available during the course of the investigation, thus avoiding duplication of effort and unnecessary expense.
