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Before the Boundary Waters Treaty: Irrigation Experts and International Controversy

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ABSTRACT

Since 1909, the International Joint Commission has administered the Boundary Waters Treaty between Canada and the United States. Successful cooperation was not guaranteed, however. This article examines how efforts to establish a commission for international waters rose and fell between 1894 and 1900. Initial concerns centered on shared rivers in Montana and Alberta. Although Canada raised the prospect of an international commission in 1896 it did not materialize. However, the idea was resuscitated in 1900 through correspondence by irrigation experts from the United States and Canada: Elwood Mead and John Dennis, respectively. These individuals had leading roles in their respective countries and were also part of larger circuits of knowledge exchange. Efforts to expand those exchanges to international waters, however, created a small diplomatic controversy. Setting these episodes in the broader context of international knowledge exchange, I consider what they reveal about how international waters figured in efforts to advance settler societies.

KEYWORDS

Canada; United States; irrigation; expert knowledge; transboundary water

Introduction

The International Joint Commission (IJC) administers the 1909 Boundary Waters Treaty between the United States and Canada. Triggered by the treaty's centennial in 2009, numerous scholarly retrospectives considered the shortcomings and staying power of the IJC's approach to transboundary waters, such as international relations, environmental protection and fairness, and how Indigenous people's concerns found their place—more often, did not—among the debates held in the Canadian and American nation-states that were built on dispossession (Heasley and Macfarlane 2016; Knox 2008; Norman and Bakker 2015). Like other international institutions, the IJC has a complex history that involves a broader geopolitical calculus and crosses varied environments, from one of Earth's largest freshwater systems (the Great Lakes) to the semi-arid reaches of the North American Great Plains (Clamen and Macfarlane 2015; Macfarlane and Clamen 2020). As this article shows, understanding transboundary water governance between Canada and the United States can also benefit from insights into what came before the Boundary

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Waters Treaty—when the terms of cooperation had not yet taken shape and when there was no guarantee they would.

This article examines the role of irrigation experts in the United States and Canada who sought to advance international water cooperation in the two decades prior to the Boundary Waters Treaty. Using archival records from William Pearce that include correspondence with his American and Canadian counterparts, I provide insight into two episodes when irrigation experts sought more explicit cooperation over transboundary waters. Pearce, who was unofficially known as the “Czar of the West,” held numerous Canadian government positions including Superintendent of Mines through which he influenced land, settlement, and water policy, was also a close witness to these episodes (see Armstrong, Evenden, and Nelles 2009). Both episodes took place after Canadian and American decision makers had recognized the potential for regional irrigation in the 1890s but before conflict intensified in the early twentieth century (see Heinmiller 2020). The first, which occurred from 1894 to 1896, centered on the area of southern Alberta and northern Montana where the Milk River and St Mary River cross the international border. There, nation-building projects, railroads, settlement, and irrigation all hung together. After engaging irrigation experts, officials in Ottawa messaged their colleagues in Washington, DC in 1896 to inquire about forming an international commission. Nothing came of it, however, even as the demand for water among white farmer-settlers increased.

The second episode was a controversy over international waters that arose in advance of the Irrigation Congress held in Chicago in 1900. It led to a minor diplomatic dust-up over attendance and topics of discussion at the congress. The controversy was over something that might seem minor, but it reveals something of the sensitivity of early discussions. At that time, irrigation experts from the United States and Canada, Elwood Mead and John S. Dennis, respectively, found themselves caught up in larger dynamics in which established practices of international knowledge exchange were recognized as politically potent. William Pearce, for his part, was never far off stage in Canada’s western water history, which colors the archival account owing to judgments he and Dennis shared about pitfalls of early American water policy and the best path for western Canada. Together, these episodes situate the period before the Boundary Waters Treaty amid larger international circuits of knowledge exchange. In those networks, irrigation expertise—and policy legitimacy—trucked between America and Australia, and from Egypt and India to Alberta. As with many colonial histories, the archive and its contents almost entirely erase the presence of Indigenous people even though experts knew that Indigenous dispossession was taking place through white-settler state claims to waters, lands, and territories. This broader context also signals how water histories contribute to our understanding of how former colonies sought statehood not in one fell swoop but in their acquisition, acre by acre, of land, and acre-foot by acre-foot, of water.

What does this history offer? In addition to situating transboundary water cooperation amid more fragile geopolitical origins, these episodes call attention to the international circuits of knowledge to which contemporary institutions remain connected. In so doing, they enable engagement with what Byrd (2011) identifies as a core tenet of settler colonialism: the ways states separate claims to political legitimacy from the fact that such states are premised on Indigenous dispossession. Numerous Indigenous scholars show how state efforts to anchor claims to water through law, rationality, democracy, and science seek to legitimize settler colonial claims unencumbered by Indigenous lands,

relations, or sovereignty (Curley 2019; Lane 2024; Norman 2015). This article reveals how irrigation experts also addressed transboundary waters without respecting Indigenous water rights—rights that were later recognized in the 1909 *Winters* decision in the US but never in Canada (Bartlett 1986; Phare 2009; Shurts 2000)—and as though the only relevant “international” relationship was between two settler states.

This study contributes a novel perspective on how transboundary waters are mobilized through an idea of the “international” constituted *through* claims to the environment, and via networks involving irrigation expertise. It has three sections. The first details previous work on international circuits of knowledge exchange. It provides context to how Mead, Dennis, and their contemporaries drew on international experiences to address irrigation challenges and, crucially, to establish legitimacy for laws and policies. The second considers the period from 1894 to 1896, when interest arose over what international law might contribute to discussions about claims to the dry, semi-arid reaches of the northern Great Plains. The third examines an irrigation imbroglio that, at the turn of the twentieth century, frustrated irrigation experts as seemingly mundane matters morphed into moments of diplomatic duress. The conclusion revisits the “international” to consider relations of knowledge and legitimacy.

Circuits of Knowledge Exchange

The late nineteenth century saw significant discursive traffic among those who had developed irrigation and engineering expertise. Several historians have shown how, during that period, water knowledge was also gained through colonial experience. Their accounts detail how hydrology was not yet a science—a claim that took until well into the twentieth century to emerge—though hydrodynamics enjoyed status as a discipline (Darrigol 2005; Linton 2010; Nace 1980). Related to this disciplinary dynamic is something else water histories offer; namely, explanations of knowledge production, and expertise, as something acquired *through* environmental interventions. Knowledge was established through the experience of draining Germany’s wetlands and constructing France’s Canal du Midi, via encounters not just with water but also disease in Egypt, and by having stable ideas of water and land (and colonial notions of property) undercut by water’s action in West Bengal. Likewise, knowledge was gained from confronting competing forms of rationality among state experts and Indigenous peoples in the American West (Bhattacharyya 2018; Blackbourn 2006; Espeland 1998; Mitchell 2002; Mukerji 2009; Worster 1992).

In reading historical accounts of trial and error, state-building, colonial oppression, and happenstance, there emerges a common theme: expertise did not exist in advance, with knowledge merely being applied to environmental interventions. Instead, there is a relation between experience and knowledge that requires explanation. Explanations, in turn, offer moments to theorize diverse histories in terms of their epistemological impacts. Theoretical differences are evident in competing historical explanations. For instance, Linton (2010) argues that water knowledge—the hydrological cycle itself—was socially constructed. Mitchell (2002) claims that knowledge of water-borne diseases was co-produced with nonhumans, like mosquitoes. Others critique positivist paths (embraced or assumed) in which putatively neutral categories for quantifying or allocating water reinforce, even reify, power relations based on colonialism, race, gender, class,

or caste (D'Souza 2006; Ekbladh 2010; Lane 2024). I am less interested in theoretical arguments about knowledge *per se*, and more focused on the knowledge networks of experts. In this article, how knowledge was gained (luck, oppression, trial-and-error, etc.) takes a backseat to how irrigation experts encountered, navigated, and in their own ways contributed to transboundary water politics.

The water knowledge irrigation experts produced was also featured in many territorial claims, particularly where colonies were becoming countries through newly established settler polities. In these contexts, water knowledge often functioned as a form of political legitimacy, as Schmidt (2017a) argues in his examination of how the idea of resource conservation in the US tied together geological and anthropological accounts of American institutions, the environment, and justifications for policies in the name of “the People.” Teisch’s (2011) work traces in detail how knowledge gained through American experiences, especially irrigation projects in California, was exported to South Africa and Australia. When the “father” of irrigation law in Australia, Alfred Deakin, visited the United States, he similarly took many insights home with him including the need to wield water in service to settler populations (Berry and Jackson 2018). During that trip, Deakin also met Elwood Mead, who in 1908 emigrated to Australia to advise authorities on water development. Upon his return, Mead gained significant domestic and international influence as Commissioner of the US Bureau of Reclamation (1924–1936), an organization with a monthly magazine that tracked international developments (including Canadian settlement) as it narrated and erased Indigenous claims to water in the US (Griffith 2018). Throughout the 1920s, Mead planned dams in the US while advising Zionists in Israel on how to wield water on Palestinian lands to their own advantage (Rook 2000). Domestically, Deakin and Mead promoted water use for agricultural expansion but also to make good on settler colonial claims to land in Australia—for Deakin, “white man’s country” (Lake 2003)—and the United States (Berry and Jackson 2018).

Western Canada’s comparatively later settlement meant that American and Australian experiences influenced its early irrigation law. This is not an article about legal history, which Percy (1977) discusses to show the importance of American and Australian influences. For instance, Canadian legal language to make water public property—to reserve it to the Crown—comes from Australia. That language, however, glosses rationale from elsewhere; indeed, when Pearce and Dennis drafted Western Canada’s first water law, the 1894 *North-west Irrigation Act*, they explicitly drew on the experience of settlers in Colorado (William Pearce fonds 1891). This matters in two ways. First, as Schorr (2012) argues, the Colorado doctrine can be read with respect to agricultural interests seeking to prevent speculation on water rights. Second, Dennis and Pearce selectively chose Colorado from among a varied set of American water doctrines to argue that it was necessary to eliminate the water rights of “private persons” and for water to be public property, with licenses granted in ways that, as Pearce stated, would meet the state’s duty “to prevent its [water] being captured by monopolists” (cited in Schmidt 2017b, 208).

Water knowledge was central to settler colonial claims to territory because actual settlers, not speculators, were key to settlement—to putting capital in place. In dry areas, settlement required irrigation. So, irrigation experts were positioned uniquely when questions over international waters arose in the borderlands of southern Alberta and northern Montana. Importantly, those borderlands were already occupied by sovereign Indigenous nations, such as the Blackfoot, whose oral histories extend to time

immemorial (Zedeño, Pickering, and Lanoë 2021). They, along with the Assiniboine and Métis (among others), have longstanding claims to lands and territories that cross the Canada–US border (Hogue 2015; Horowitz 2018; Hoy 2021; McManus 2005). So, it is critical to recognize how irrigation experts were part of constituting claims to territory and Indigenous dispossession (Matsui 2009). This took place domestically in different ways, and through international waters.

The formation of the “international” as a legal category has a long history in which shared norms regarding the control of nature conditioned the European treaty-making traditions that preceded water-sharing agreements in North America. As Yao (2022) persuasively argues, the water knowledge that conditioned European negotiations over transboundary rivers did not always exist in advance of treaty agreements. Instead, the “international” was itself forged through those agreements and the knowledge they came to rely on. Water was not the only game in town. Nor was the “international” hammered out solely in Europe. Pitts (2018) shows how the “international” took shape through colonial practices of conquest and empire. That is, the “international” was not established in Europe before it spread. This context is critical to understanding how Eurocentric distinctions were used, often together with racial and ethnic claims, to determine which Indigenous peoples could be reciprocal parties to international treaties and how Indigenous peoples would be subjected to domestic laws (Blackhawk 2023; Borrows 2010; Tully 2008). And while the different ways Canada and the US deployed colonial boundaries parsing the “domestic” from the “international” are not the primary target of this article (see Schmidt 2022), they are important to one aspect of my argument: exchanges among 19th- and early 20th-century water experts should also be seen for how they operated as a source of legitimacy for the agreements of two settler colonial states—Canada and the US—that drew boundaries over water through colonial distinctions of what constituted the “international.”

International Waters

In 1894, Canada’s Superintendent of Mines, William Pearce, wrote to Canada’s Secretary of the Department of the Interior, Alexander Burgess, about an American scheme to divert the St Mary’s River (aka St Mary River) into the Milk River. Pearce’s letter, sent in October, was based on information he and John Dennis had gleaned as the Canadian delegation to the Third International Irrigation Congress (IIC) in Denver the month before. The two men knew the western US water situation well and had traveled and corresponded extensively with American irrigators and experts in the years prior to Canada passing the 1894 *Northwest Irrigation Act* (Percy 1977). After their presentations in Denver, the Executive Committee of the conference had dispatched a letter to Burgess extolling the Act, in which Pearce and Dennis had played significant roles drafting. We can surmise that Pearce and Dennis were riding high after the conference. Their respective papers had been well received, and they had been provided “one of the best positions in the Assembly room . . . covered with the British flag” (William Pearce fonds 1894a). The conference covered significant ground too. Notable for Pearce was a conversation with Mead on how to combine the interests of states and railways. By the meeting’s end, Pearce had been elected to the conference executive, a position that lasted until after the following year’s IIC convention in Albuquerque.

Soon after the Denver conference, however, concerns arose. According to Pearce's October letter, he had learned that the "Geological Department" of the United States government—likely the United States Geological Survey (USGS)—had engaged Mr W. Lollett of Denver to study the idea of diverting water from the St Mary River to the Milk River. It hadn't come to pass, but Pearce thought it likely connected to irrigation plans associated with the Great Northern Railway and, if so, likely to be pursued again "as soon as there is a financial revival in Montana" (William Pearce fonds 1894b). At the same time, there was also intense negotiation and conflict ongoing between Indigenous peoples in Fort Belknap (Montana) and American decision makers over land rights (see Shurts 2000). Pearce went on to state that "international law" might prevent the plan, but things would be much simplified if the Alberta Irrigation Company could put the water to use first; that is, lay claim to water rights through use. The Government of Canada could finance a canal, thought Pearce, big enough to carry "all of the water of the St. Marys River from its bed" and claim it by putting it to more beneficial uses (William Pearce fonds 1894b). In a postscript, Pearce clarified that the American scheme was to use all of the water diverted from the St Mary River to the Milk River before it crossed the border into "British territory."

The letter from Pearce captures some of the anxiety over transboundary waters in the late nineteenth century and points to the entangled relations of railroads, rivers, and territory. In context, it is helpful to note that in 1883 Canada had built its transcontinental railroad near its southern border, in part to prevent James J. Hill—the prime mover behind the Great Northern Railway—from gaining a foothold in Western Canada (Mitchner 1967). Malone, Roeder, and Lang (1991, 178) describe Hill with considerable color as "the barbed-wire, shaggy headed, one-eyed son of a bitch of western railroading." Hill had earlier been part of a consortium to build Canada's transcontinental railway and had recommended routing it through his own railroad in the US rather than taking it northward through the Canadian Shield in Ontario. Objections to Hill's plan led eventually to his expulsion from the consortium and were an important factor in Canada then routing its railway along its southern border across the semi-arid prairies (den Otter 1997; Mitchner 1967). The need for irrigation in (what became) Alberta's south, in other words, was directly tied to broader concerns over sovereignty. Notably, Hill had previously suggested that Canada build a southern prairie route (Malone 1996). For his part, Hill began vigorously promoting irrigation as the network of his railroad extended to Havre, Montana in 1887, which would only be profitable if settlers used it for shipping (Wolfe 1992).

Pearce's next step was to follow up with Burgess for clarity in advance of the upcoming 1895 conference in Albuquerque. First, was there any principle of international law that might prevent the American scheme? Second, what were the prospects of learning from the US convention with Mexico on the Rio Grande from 1884? These were pressing issues, Pearce argued, because "the American Official Report on Irrigation of 1893 pages 105 to 106" specifically noted that the United States would have the right to divert the water because "*the Canadians are not using the same* (William Pearce fonds 1895a. Original emphasis). Burgess referred the matter to Canada's Deputy Minister of Justice, Edmund Newcombe, for appraisal, but the only legal solution he could see was a treaty with the United States (William Pearce fonds 1895b). Short of that, the best course was for Canada to start using the water as the means to lay claim to it.

As the conversation about international waters developed, Pearce started to aggressively lobby for irrigation water to be drawn from the St Mary River while also surveying other boundary water issues on the prairies. He didn't think there were many other rivers where competition over irrigation would be central and paid no heed to how that border itself cut through landscapes thick with Indigenous settlement and use (see Hogue 2015; Hoy 2021; McManus 2005). Nevertheless, in a June 1895 letter to Burgess, Pearce systematically discussed each transboundary river across the prairies: "the Rousseau, the Red, Pembina, Souris, Milk, St Mary's, Belly and Waterton" (William Pearce fonds 1895c). In Ottawa, Canadian officials took the view that if an opportunity to discuss international waters arose at the Albuquerque conference, they would deal with it then. As a member of the Congress's Executive Committee, Pearce knew that by mid-August invitations for the conference were being requested from the US Secretary of State by Canadian counterparts, and he began to seek advice on how best to articulate the Canadian position should discussions of international waters arise (William Pearce fonds 1895d). As that year's conference came and went without addressing the matter, Pearce redoubled his efforts to push irrigation forward in southern Alberta. He began corresponding extensively with irrigators to support them on all sorts of minutiae, including which farmers were blocking a potential canal and what it would cost to buy them out.

Canadians' concerns around international waters grew as Pearce kept the issue at the forefront of his efforts. In January 1896, the Canadian Privy Council dispatched a Minute on a "proposed appointment of an International Commission to regulate the use, for the purposes of irrigation, of waters of streams rising in either of the two countries and flowing through the other" (William Pearce fonds 1896a). In March 1896, the British Ambassador in Washington sent correspondence to Canada's Governor General "with respect to the adjustment of water rights on international streams" (William Pearce fonds 1896b). By then, the British Embassy had communicated to the US Secretary of State the Minute from the Canadian Privy Council. The American reply was that there was interest in such a commission, but not yet sufficient information upon which to proceed. So, for the time being, no further discussion on an international commission would take place. This response was an unhappy one for Pearce. He forwarded it to Mead along with a note that any delay now rested with the government of the United States, not Canada. Mead's response was pragmatic—probably nothing would be done until a new president was elected (William Pearce fonds 1896c).

Irrigation and International Controversy

Over the final years of the 19th century, Pearce kept pushing western Canadian irrigation forward through his ambitions for new canals and expanded irrigation acreage. Then, in 1900, controversy arose over international waters. The issue similarly took shape in the context of an irrigation congress, this time in Chicago, when what was expected to be a routine exchange of ideas was interrupted by diplomatic concerns. The controversy embroiled Dennis and Mead, who by then (along with Pearce) had a longstanding relationship in which they exchanged materials on irrigation laws, practices, and paths forward in their respective countries. As the Chicago congress took shape, Mead worked in his capacity as a member of the executive of the conference committee to invite Dennis to give a talk on irrigation in Canada. The talk would be valuable owing to Dennis's

expertise, thought Mead; Dennis had studied irrigation extensively in Canada and elsewhere, including the United States.

Mead issued the invitation to Dennis, which initiated an unanticipated stream of events. It began when Dennis's reply to Mead's invitation mentioned the possibility of discussing "the question of Inter-National waters." Unfortunately, Dennis's reply arrived while Mead was away in California, and the reply letter had been forwarded to George Maxwell, who was Chairman of the Executive Committee organizing the conference. Maxwell, who also controlled the purse strings for the congress in his role on the conference executive committee, wrote to Mead that far from following the rules previously agreed to regarding when to extend invitations and to whom, Mead was out of line when he invited Dennis to speak. In earlier discussions, Maxwell admitted, he had anticipated no problems inviting the Canadian. But Dennis's suggestion about discussing international waters changed things significantly: Maxwell felt the topic could risk "the safety of the Irrigation movement." Dennis's proposal, Maxwell continued, was "dangerous" to the Congress owing to the former's "very distinct desire . . . to make the subject of international complications, necessitating an International Commission, strongly prominent in the proceedings of the Congress" (William Pearce fonds 1900a). Indeed, Maxwell cited as proof Dennis's request to also include the Hon. Clifford Sifton, Canada's Minister of the Interior (succeeding Burgess, who had passed away in 1898), to put "the Canadian side of the international water question in a strong light to the Congress." That kind of discussion was one, Maxwell felt, that should only happen between governments. It was not a topic the irrigation congress should get embroiled in because it could be a "hot stick" that "*might heat through before we could let it go.*" Maxwell concluded that he would write to Dennis and was confident Dennis would then become uninterested in presenting. Alternatively, Mead could write to Dennis, which might be less embarrassing. Perhaps, concluded Maxwell, it would be helpful to also remind Dennis that it was "not a Canadian but an American Irrigation Congress, and that it has other purposes in view than the creation of an international commission" (William Pearce fonds 1900a).

Mead was apoplectic. He wrote a long riposte to Maxwell outlining his grievances and defending his invitation to Dennis both procedurally and on its own merits. He accused Maxwell of seeking to have no Canadians attend the Congress, which would inhibit a forum of "free and full discussion" and be out of step with past events, which had included not only America's northern neighbors but also international participants from Mexico, Russia, and France (William Pearce fonds 1900b). Eventually, however, Mead conceded and wrote to Dennis. He explained how he had missed Dennis's reply letter, and how it had gone to Maxwell, who had mailed it to the members of the conference executive along with a protest suggesting that no one from Canada be invited to attend the Chicago meeting. Mead explained how he had at first thought he could head off objections by asking Dennis not to discuss international water rights but that by then it had become too late (William Pearce fonds 1900c). Now, he was embarrassed to say, all he could offer was an opportunity for Dennis to reply to Maxwell and to set the record straight for all those aware of what had transpired.

In his reply to Mead, Dennis clarified that he had not expected to discuss international waters at the Congress. Instead, Dennis recounted how, in his reply to Mead's invitation, it was only after learning that other Canadian officials may be invited to the Chicago conference that he had thought to raise the issue. Even then, it was only to see whether

Mead could bring it to the notice of Senator Francis E. Warren from Wyoming, who was a member of the Senate Committee on Irrigation. So, Dennis continued, although there was sure to be “friction between the Dominion and the United States unless [international water] is dealt with on a broad basis,” his intention had not been to make it the focus of discussion at the Congress. Furthermore, Dennis wanted Mead to pass along the clarification that neither of them had agreed to any such discussion.

Still, Dennis noted, there were important reasons to begin those conversations soon. “The subject is becoming more important every day in the South-Western portion of our Territories and the northern portion of the State of Montana, because there are certain international streams which are being used as sources of supply for irrigation on both sides of the international boundary and unless some system of diversion of these waters is laid down now trouble will arise in the future” (William Pearce fonds 1900d). Dennis continued, noting that discussions of international waters had already “filled a prominent place” in previous conferences in Denver and Albuquerque. He admitted, however, that perhaps Maxwell’s strong objections were based on facts with which Dennis was unacquainted. Nevertheless, Dennis emphasized he had acted always in good faith, and if Mead would be kind enough to pass along his message, then perhaps he could also mention that irrigation on those lands certainly fell within the “national” scope of a congress focused on American irrigation issues. Dennis also took other digs at Maxwell, especially because the latter had suggested that anything that Americans might want to know about Canadian laws could be had by reading them. Far from it, Dennis replied, because administering those laws was an equally important matter. Unable to hide his contempt, which seethed obviously between the lines of the response he sent to Mead, Dennis then forwarded his correspondence with Mead to Pearce along with a note: “Truly the Americans are ‘Great’ people, in their own estimation” (William Pearce fonds 1900e).

It was common for Dennis and Pearce to position themselves as judges of American water policy, but their US counterparts had other explanations for what had gone on. One of Idaho’s state engineers, D.S. Ross, for instance, wrote to Mead that he thought the whole kerfuffle came about because Maxwell did not want Mead to attend the Congress and that Dennis’s letter had merely been the tool to achieve that end (William Pearce fonds 1900f). Ross, too, had met Dennis and Pearce at the previous congress in Albuquerque and so, when he heard about the dust up, he wrote to Maxwell. Ross charged Maxwell with being too lawyerly and claimed he had created from a mole hill a “fair sized mountain of trouble” that seemed to be more about the internal politics of the irrigation congress than anything else (William Pearce fonds 1900g). As a result, Maxwell had caused an international incident with potentially negative political consequences, which Maxwell claimed he had wanted to avoid.

While all of this was going on, irrigation projects continued apace. Pearce had been busy coordinating with southern irrigators in Alberta while keeping abreast of American developments. For instance, in December 1901, Pearce was closely following plans detailed in the annual report of the Secretary of the Interior (1901). Pearce quoted at length from that year’s report, including its text on diverting the “St. Mary’s [*sic*] River easterly across a low divide, supplementing the flow of Milk River, and thus enabling the settlers to utilize many thousand acres along that stream” (William Pearce fonds 1901). To

get a hold of the plans, Pearce wrote to Frederick Newell, chief hydrographer in the USGS and somebody Pearce had met and corresponded with previously. Pearce hoped that the plans would help explain the political reasoning behind them. Did the Americans think that if they diverted the water they would be entitled to all of it? It was not clear. He bemoaned: “the whole question of the utilization by another country of international waters is in a very unsatisfactory condition” (William Pearce fonds 1901).

Newell’s January 1902 response noted that diversions for the St Mary River had been surveyed in 1900 and 1901, and that a large amount of data was now being examined by engineers. However, nothing had been decided. Costing and other aspects of a plan were unfinalized, so there was nothing in print that he could share (William Pearce fonds 1902a). This worried Pearce, who thought that for “a wealthy country like the United States nothing is prohibitory [*sic*] if they make up their mind to do it particularly if by so doing they prevent Canada benefiting to the extent she would were it left undone” (William Pearce fonds 1902b). Such worries were justified, Pearce thought, when one looked at how the United States had dealt with Mexico on diversions from the Rio Grande. American dealings in that case, he claimed, were based in no small part on “subterfuge, but characteristic of the people, or at least a section which seems to control the government of that country” (William Pearce fonds 1902c).

Conclusion: Toward International Joint Reflection

Before the Boundary Waters Treaty, efforts to establish an international commission for transboundary waters were politically charged. This was not only a matter of international relations among states, however. It involved the networks of irrigation expertise and environmental knowledge in settler colonial contexts in Canada, the United States, Australia, and elsewhere. These networks had long made use of the “international” to legitimize the application of lessons learned elsewhere to domestic agendas. Through those practices, Pearce and others also erased the Indigenous presence from discussions about the need for and consequences of irrigation and settlement. It is telling, for instance, that the existing rights of Blackfoot Indians in their Treaty of 1855 with the United States (signed in April 1856) did not figure into the 1890s-era discussions among Dennis, Mead, and Pearce. That treaty had entitled multiple nations to the right to make permanent homes east of the Rocky Mountains in the Upper Missouri River basin and entailed rights to the use of the Milk River, rights ultimately confirmed in the 1909 *Winters* decision by the US Supreme Court (Shurts 2000). Although no comparable right was established then—or has been since—for Indigenous peoples in Canada, there was also no mention of Indigenous reservations or reserved land in discussions concerning international waters.

When the question of “international waters” arose, expert networks contributed environmental knowledge that served to legitimize state claims without reference to Indigenous dispossession. Pearce surveyed western rivers without regard for any claims other than those of white settler states and communicated his knowledge about physical surveys and irrigation plans being undertaken by geological agencies in the United States. In these ways, “international waters” were constituted *through* the forms of environmental knowledge that experts exchanged through their networks. Attendance at and

participation in international irrigation conferences were events with diplomatic relevance in terms of the knowledge that was discussed and in what capacity.

Irrigation conferences and international networks of expertise continued to matter after the Boundary Waters Treaty and the IJC were established in 1909. In 1914, for instance, uncertainties remained around transboundary waters crossing between Montana and Alberta. In anticipation of the international irrigation congress being held that year in Calgary, the congress committee wrote to the International Joint Commission to seek clarity on exactly how much water each country was entitled to, what to do with matters of storage from freshets in spring, and how to “secure an equitable ... [use] ... of the waters in these rivers” (William Pearce fonds 1914). These technical issues mattered to ongoing settlement efforts in both countries, which continued to generate questions about international irrigation matters. By then, Mead was working in Australia, but he still wrote a paper for the Calgary conference. Read in his absence, Mead argued that the thousands of settlers heading north from the United States to Canada needed forms of state aid like he was witnessing in Australia’s state of Victoria. He did worry, though, that too much help would induce “shiftless and improvident” settlers to seek government aid, and that others would “regard this as an extreme form of paternalism” that could unduly influence “the energy and selfreliance [*sic*] of the people.” Still, forms of state aid would be necessary to secure settlement. Mead also hoped the International Irrigation Congress, now in its 20th iteration, might come to Melbourne one day. There, in line with his broader commitment to using water to support settler states like Canada and Australia, he thought “the strength of ties of language, race, and common interest of these two self-governing commonwealths” would be furthered (William Pearce fonds n. d.).

Transboundary water histories that examine the practices of claiming territory and securing it at expense to Indigenous peoples in Canada and the United States should prompt international joint reflection on how institutions premised on dispossession have not accounted for the multiple forms of Indigenous internationalism in which water, and its relations and responsibilities, are pivotal to Indigenous sovereignty and self-determination (Norman 2015). As this article has begun to demonstrate, they should. At the turn of the 20th century, controversies among white settler experts in Canada and the United States over international waters compounded the problem of Indigenous land dispossession because they reinforced colonial boundaries as the basis for the “international,” a concept that excluded Indigenous peoples. In 1915, for instance, negotiations on the St Mary River and Milk River required special hearings where geologists, policy makers (including Pearce), and politicians discussed how to navigate Indigenous water rights in the US and canals across reserved lands in Canada prior to subsequently amending the Boundary Waters Treaty (International Joint Commission 1915). Those amendments further entrenched dispossession into the structure of international agreements by continuing to treat Indigenous water rights in the US and Canada through colonial notions of time that confined Indigenous histories to those recognized by settler states (Estes 2019; Norman 2015, 2019).

The idea of the “international” is, of course, built into the IJC itself. But it is an idea also constituted through forms of environmental knowledge that are critical to consider even as the IJC has sought in recent years to engage with Indigenous peoples and knowledges

(see Macfarlane and Clamen 2020). What I conclude with, then, is a call to recognize that as new forms of knowledge are sought, they offer an opportunity for international joint reflection on an expanded water ethic. Such an ethic might be cultivated by addressing the ways that perennial questions of use and equity have employed only particular and partial knowledge to constitute the “international” and, in so doing, do not reflect the many ways Indigenous nations may seek to relate to other nations, or with water (see Leonard et al. 2023; Norman 2018; Simpson 2025). As such, engagements by the IJC with networks of water experts present opportunities to rethink how “international” controversies are constituted, in important ways, through choices about which environmental knowledges lay claim to water.

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