

INTERNATIONAL JOINT COMMISSION

In the Matter of Emergency Regulation of the Level
of Rainy Lake and of other Boundary Waters in
the Rainy Lake Watershed.

Supplementary Order to Order Prescribing Method
of Regulating the Levels of Boundary Waters
dated 8 June 1949.

Whereas the Commission, by Order Prescribing a Method
of Regulating the Levels of Rainy Lake and of other
Boundary Waters in the Rainy Lake Watershed, dated 8 June,
1949, approved the operation by the Companies, their
successors or assigns, of various works for the development
of power, subject to the conditions enumerated in the said
Order; and

Whereas the Commission's Order was adopted prior to
the floods of 1950 and 1954 and certain complaints in
connection with the operation of the said works under the
Order of 8 June 1949 were lodged with the Commission; and

Whereas the Commission on 19 April 1956 directed that
the International Rainy Lake Board of Control prepare a
report on the operation of the works taking into account
the following questions:

1. In what particulars has the Commission's Order
of 8 June 1949 proved to be unsatisfactory?

2. In what instances, if any, have the requirements of that Order not been complied with, and what were the reasons for any such lack of compliance?
3. Having in mind the various interests affected by the levels of these lakes, including of course the public interests in both Canada and the United States, what changes in the method of regulation now in effect would be desirable from the viewpoint of such interests?
4. What changes in the existing control works or in the operation thereof would be necessary or desirable in connection with such improved method of regulation, if any, as the Board might recommend and what would be the costs related thereto?

and further directed that:

"In studying and reporting upon this subject, the Board will give due consideration to the legal rights of all interests concerned with the levels of the Namakan Chain of Lakes and Rainy Lake. It is desired, furthermore, that any revised method of regulation that may be suggested or recommended by the Board be such as would not result in adverse effects on riparian interests along the shores of the Lake of the Woods in either the United States or Canada, nor should it interfere appreciably with the present use of the Lake of the Woods for power purposes.

"Any proposed revision of the present method of regulation should reflect a careful consideration of the probable influence of the water content of the snowpack each spring upon the inflow to the lakes and the resulting levels of the lakes, and in this connection, consideration should be given to the matter of forecasting maximum inflows and levels, and to drawing the lakes down in advance of the peak inflow in those years when the snowpack and weather conditions portend exceptionally high lake levels."
and

Whereas the International Rainy Lake Board of Control reported to the Commission under date of 31 July 1956, concluding that:

(1) The Commission's Order of 8 June 1949 is generally satisfactory.

(2) The terms of the order have been met essentially throughout the 7-year period since it became effective with the exception of the two extreme high water years 1950 and 1954.

(3) No change should be made in the rule curve for Rainy Lake.

(4) It would be beneficial to the various interests if the operating levels of Namakan Lake were modified setting a maximum to which the levels may be raised during the period 1 October to 1 June inclusive, rather than a mandatory, precise level for that period. These maximum allowable levels would be used in conjunction with the levels now specified by rule curve thereby allowing a range of levels between the present rule curve and the proposed maximum levels.

(5) The existing control works do not require change provided that the Company maintains these works in such condition that changes in the outflow may be made promptly at all times.

and:

Whereas after due notice, the Commission held a public hearing at International Falls, Minnesota, on 14 August 1956 at which time the conclusions of the International Rainy Lake Board of Control and the suggested amendment to the Order of 8 June 1949 were explained by the Board of Control and all interested parties were given full opportunity to be heard.

NOW, THEREFORE, THIS COMMISSION DOETH ORDER AND DIRECT

that the Order Prescribing Method of Regulating the Level of Boundary Waters dated 8 June 1949, be and the same is hereby amended as follows:

A. Paragraph numbered 1 of the said Order of 8 June 1949 is deleted and the following substituted therefor:

The Companies, their successors or assigns, shall operate the discharge facilities at the Kettle Falls Dams as authorized by the International Rainy Lake Board of Control in such manner that insofar as possible, the levels of Namakan Lake, as determined at the Kettle Falls-Namakan Lake gauge, shall be between the following minimum and maximum elevations on the dates shown; the elevations being referred to mean sea level, with the corresponding elevations referred to the Public Works of Canada datum shown in parentheses:

<u>Date</u>	<u>Minimum elevation</u>	<u>Maximum elevation</u>
Jan.1	1113.61 (502.0)	1115.27 (503.66)
Feb.1	1111.91 (500.3)	1114.14 (502.53)
Mar.1	1110.31 (498.7)	1113.13 (501.52)
April 1	1108.61 (497.0)	1112.00 (500.39)
April 21	1110.91 (499.3)	1112.00 (500.39)
May 1	1111.91 (500.3)	1113.61 (502.00)
June 1	1115.31 (503.7)	1118.61 (507.00)
July 1	1118.61 (507.0)	1118.61 (507.00)
Aug.1	1118.61 (507.0)	1118.61 (507.00)
Sept.1	1118.61 (507.0)	1118.61 (507.00)
Oct.1	1118.61 (507.0)	1118.61 (507.00)
Nov.1	1116.91 (505.3)	1117.48 (505.87)
Dec.1	1115.31 (503.7)	1116.39 (504.78)

If prevailing conditions indicate that an unusually high spring runoff is probable, and Rainy Lake reservoir is able to receive additional discharge without adverse effects, the Board may direct the Companies, their successors or assigns, to operate the discharge facilities at the said Kettle Falls dams in such manner that the levels of Namakan Lake are lowered below the levels prescribed above during the reservoir refill period; provided, however, that the Board shall not direct that the level of Namakan Lake be lowered below elevation 1108.61 feet, the prescribed minimum storage level.

B. The Companies shall maintain their control works in the Kettle Falls dams in such manner that changes in the outflow may be made promptly at all times.

C. This amendment of the said Order of 8 June 1949 shall terminate on 30 September 1962.

The Commission reserves the right to modify the provisions of this amendment and to continue them in force after 30 September 1962, if, after affording opportunity for the interested parties to be heard, the Commission shall deem such action to be in the public interest from the points of view of both countries.

Dated at Ottawa, this first day of October, 1957.

(signed) A.G.L. McNaughton
Douglas McKay
George Spence
Roger B. McWhorter
J. Lucien Dansereau
Eugene W. Weber