

IN THE MATTER OF THE APPLICATION OF THE CRESTON RECLAMATION COMPANY, LIMITED, FOR PERMISSION TO CONSTRUCT CERTAIN PERMANENT WORKS IN AND ADJACENT TO THE CHANNEL OF THE KOOTENAI RIVER IN THE PROVINCE OF BRITISH COLUMBIA, AT CRESTON.

WHEREAS, the Kootenai River is a river flowing across the boundary between Canada and the United States within the meaning of Article IV of the Treaty between the United States and Great Britain dated the 11th day of January, 1909; and

WHEREAS, the Creston Reclamation Company, Limited, has presented to and filed with the Commission plans and specifications for the construction of permanent works for the reclamation of certain lands adjacent to the channel of the said Kootenai River, near Creston in the Province of British Columbia, namely:

1. The construction of a ^{ee}levy or dike around the area shown on plan of Unit No. 1 of the reclamation of the Kootenai River flats, said ^{ee}levy to be constructed to elevation 1769.0 of the dimensions shown on plans and specifications.
2. The diversion of Goat River into the Kootenai River on Section 4, Township 8, in accordance with said plans and specifications.
3. The construction within the area reclaimed of the necessary drainage ditches to satisfactorily drain said area.
4. The installation of a four foot concrete drainage pipe through the ^{ee}levy, with suitable iron sluiceway valve ^{or} flap valve on the river end of same, both ends of the drainage pipe to be protected by satisfactory concrete retaining walls.

5. The installation of the necessary centrifugal pumps and engines on concrete foundations in a suitable building, with the necessary suction and discharge pipes and accessories thereof.

And

WHEREAS, said application came on for hearing at the City of Nelson in the Province of British Columbia on the 29th day of November, 1927, after due notice to all parties interested in both countries of the filing of said application and of the time and place of said hearing, when evidence was adduced and all parties so desiring were heard; and

WHEREAS, at said hearing a letter was read from the Secretary of State for the United States requesting that proceedings on the application subsequent to said hearing be postponed for a period of one year, to afford time for the collection and study of the necessary hydrographic and topographic data; and

WHEREAS, upon the matter coming on this day for further consideration, counsel for the United States appeared and withdrew all opposition to the matter being now disposed of in so far as it affected said Project No. 1, and consented on behalf of the United States to an order now being made with respect to said Project No. 1 as asked by the applicant; and

WHEREAS, the members of this Commission, after having read said application and specifications and perused said plans, and having heard the evidence adduced and what was alleged by all parties appearing before them as aforesaid, determined that the said works should be approved and authority given for the construction thereof pursuant to said Treaty, subject to the conditions hereinafter set forth.

THIS COMMISSION THEREFORE ORDERS AND DIRECTS:

1. That the said plans and specifications be and the same are hereby approved, and the construction of works in accordance therewith authorized under the provisions of said Treaty, upon and subject to the following conditions:

2. That the said applicant make suitable and adequate provision to the satisfaction of this Commission for the protection and indemnity against injury by reason of such works of all interests on either side of the boundary.

3. And this Commission doth hereby reserve to the applicant and to all parties having claims for injuries in respect of said works, the right to apply for such further order, direction or action with reference to such claims as may seem proper.

4. And this Commission doth further order and declare that nothing in this order contained, in the recital or elsewhere, shall by implication or otherwise be construed as an adjudication upon the right of the applicant to construct reclamation works other than those particularly shown and mentioned in said plans and specifications in connection with Project No. 1, nor be considered as a precedent in any way in connection with projects other than said Project No. 1.

Dated at Washington, D. C.,
this 3rd day of April, A.D.1928.

C. B. Clark

James H. ...
Fred ...

H. H. ...

P. M. ...
D. A. ...