

APPLICATION OF WEST KOOTENAY POWER AND LIGHT COMPANY,
LIMITED TO THE INTERNATIONAL JOINT COMMISSION FOR
PERMISSION FOR STORAGE OF WATER IN KOOTENAY LAKE
IN ADDITION TO THE STORAGE AUTHORIZED BY THE ORDER
OF APPROVAL DATED THE ELEVENTH DAY OF NOVEMBER, 1938.

TO THE HONOURABLE THE INTERNATIONAL
JOINT COMMISSION, Ottawa, Canada,
and Washington, D.C.

THE UNDERSIGNED, as solicitor for West Kootenay
Power and Light Company, Limited (hereinafter called
"the Company") respectfully represents:

(1) That the Company is a corporation constituted by
a special act of the Province of British Columbia, being
Chapter 63 of the Statutes of 1897, as amended by Chapter
78 of the Statutes of 1911, and Chapter 76 of the Statutes
of 1929, (which are set out in Appendix 1 to the original
application dated the sixth day of September 1929,
presented to and filed with the International Joint
Commission) and is authorized and empowered, inter alia,
to acquire and hold water licenses to develop and supply
power, and to do all necessary or incidental things, in-
cluding the building of dams and compensating works for
the storage of water in rivers, streams or lakes within a
radius of one hundred and fifty (150) miles from the City
of Rossland in the said Province.

(2) That the said application was superseded by an amended application dated the eighth day of February, 1932, presented to and filed with the said Commission; that by an instrument in writing bearing date the seventh of September, 1938, and filed with the said Commission, the Company applied for leave to revive the said amended application of the eighth of February, 1932; and that the Commission granted the Company leave to revive the said amended application.

(3) That the said amended application came on for hearing before the said Commission during the month of October, 1938, and that the Commission made its Order of Approval, dated the eleventh of November, 1938, whereby the Commission ordered and directed, inter alia, that the Company be permitted to store water in the main body of Kootenay Lake to a maximum elevation of 1745.32, Geodetic Survey of Canada datum, 1928 Adjustment.

(4) That the Commission further ordered that to ensure the carrying out of the provisions of the said Order the Commission shall retain jurisdiction over the regulation of the levels of Kootenay Lake through a joint board of engineers to be known as the International Kootenay Lake Board of Control, and that such Board may at any time make representations to the Commission in regard to any matter affecting or arising out of the terms of the said Order.

(5) That the Company has fully complied with all the conditions and regulations of the said Order on its part to be observed and performed.

(6) That the Company has consulted the said Board with respect to obtaining the permission of the Commission to store (subject to paragraph 13 of this application) an additional two feet of water above the elevation 1745.32 during the low water months of the years 1941 and 1942.

(7) That the snowfall in the Kootenay River drainage area during the winter of 1940-41 was much less than normal, and that as a consequence thereof all indications point to the probability of a very low seasonal runoff during the year 1941, and of a low flow into the Kootenay Lake storage basin during the low water months of the year 1941 and during the first four months of the year 1942.

(8) That most of the power produced by the Company is now used in the production of vital materials of war and that there is an urgent need that the supply of the said power be adequate and continuous.

(9) That unless the Company is able to maintain a sufficient supply of water in storage in Kootenay Lake the Company may be unable to maintain an adequate and continuous supply of power.

(10) That the Company therefore desires permission to store the said additional two feet of water.

(11) That in order to provide a measure of protection against a water shortage and a consequent power shortage

during the low water months of the year 1941 and the first four months of the year 1942, the Company proposes, if permission is granted for the additional storage hereby applied for, to effect such storage by commencing a regulation, in that behalf, of the flow of water through Corra Linn dam, when the level of Kootenay Lake at Queen's Bay reaches, on the falling stage, the elevation 1747.32. If the said permission is granted, but is not granted before the level of Kootenay Lake at Queen's Bay reaches, on the falling stage, an elevation lower than 1747.32, the Company proposes to effect the said storage (to such extent as may be possible) by storing surplus water whenever the same may be available, as soon as possible after the said permission has been granted.

(12) That, if the Commission grants permission for the said storage, the Company will pay the cost of any additional pumping which may be required in the drainage districts affected by the said storage and which may reasonably be attributed to such storage.

(13) That the said Board has recommended to the Company that the Kootenay Lake elevation at Queen's Bay be limited to elevation 1747.32 from the day when regulation in behalf of the said storage commences to and including the 7th day of January, 1942, and thereafter the elevation of the said Lake shall be lowered so that it shall not exceed elevation 1745.6 on the 1st day of February, 1942, elevation 1743.2 on the 1st day of March, 1942, and eleva-

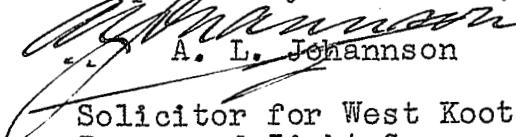
tion 1739.32 on the 1st day of April, 1942, and that the Company is willing to regulate the said storage in accordance with the said Board's recommendations to the limits of its facilities for regulation.

(14) That if the flow of water through Corra Linn dam is so regulated as to create the said storage, the level of Kootenay Lake and of Kootenay River at the International Boundary Line will be raised to a slightly higher elevation during the low water months of the year 1941 and the first ~~three~~ months of the year 1942 than would result from the storage of water under the said Order of Approval.

(15) That no interests in the United States or Canada could be adversely affected by the said storage in view of the intention of the Company to pay the cost of additional pumping as mentioned in paragraph 12 of this application.

WHEREFORE the undersigned on behalf of the Company applies to the Honourable the International Joint Commission for permission for the storage in Kootenay Lake in the manner above mentioned of an additional two feet of water above the elevation 1745.32.

Respectfully submitted,


A. L. Johannson

Solicitor for West Kootenay
Power and Light Company, Limited.

Dated at Trail, B. C.,
this 7th day of June, 1941.