

47-1-51

18 June 1942

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INTERNATIONAL JOINT COMMISSION

IN THE MATTER OF THE APPLICATION OF THE WEST
KOOTENAY POWER AND LIGHT COMPANY, LIMITED, FOR
AUTHORITY TO CONTINUE STORAGE OF WATER IN
KOOTENAY LAKE TO ELEVATION 1747.32, QUEEN'S
BAY GAGE.

INTERIM ORDER

Ottawa - Washington

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INTERIM ORDER

IT IS ORDERED, as an interim measure, that pursuant to an application dated June 9, 1942, filed with the Commission by the West Kootenay Power and Light Company, Limited, said Company shall draw the level of Kootenay Lake down to elevation 1747.32 feet, Queen's Bay gage, as quickly as possible; and the said Company is hereby authorized thereafter to hold the lake at any level not exceeding said elevation 1747.32 feet until after the Commission issues such further order as it may deem to be appropriate and justified in the circumstances, after having held a public hearing in the City of Nelson, British Columbia, on August 20, 1942;

PROVIDED, That the said Company shall pass as quickly as possible any additional flood waters which may in the meantime have the effect of raising the lake level above said elevation 1747.32 feet; and PROVIDED FURTHER, That in consideration of the privilege hereinbefore granted and the benefits said Company will derive therefrom, the said Company shall reimburse affected Drainage Districts for any additional pumping costs which may be occasioned in said Drainage Districts as the result of holding

the lake at higher levels than it would have been held during the specified period under the terms of the Commission's order of November 11, 1938; and shall also reimburse said Drainage Districts for any other expense incurred or damage sustained by them which may be attributable to the same cause. Reimbursement to said Drainage Districts which said Company is required to make under the terms of this order shall be in addition to the payments which said Company is obligated to make to an authority designated by the State of Idaho under the terms of the Commission's order of November 11, 1938. In case of disagreement between the parties, any claims for reimbursement which may be made against said Company by the said Drainage Districts pursuant to the terms of this order shall be submitted to the International Kootenay Lake Board of Control for decision.

Dated in the City of Washington, D.C., Thursday, June 18th, 1942.

A. D. Stanley
Chas. Stewart
Roger B. McWhorter
J. E. Terrant