

# **INTERNATIONAL JOINT COMMISSION**

**IN THE MATTER OF THE APPLICATION OF THE CITY OF SEATTLE  
FOR AUTHORITY TO RAISE THE WATER LEVEL OF THE SKAGIT  
RIVER APPROXIMATELY 130 FEET AT THE INTERNATIONAL  
BOUNDARY BETWEEN THE UNITED STATES AND CANADA**

## **ORDER OF APPROVAL**

**OTTAWA - WASHINGTON  
January 27, 1942**

INTERNATIONAL JOINT COMMISSION

IN THE MATTER OF THE APPLICATION OF THE CITY OF SEATTLE FOR AUTHORITY  
TO RAISE THE WATER LEVEL OF THE SKAGIT RIVER APPROXIMATELY 150 FEET  
AT THE INTERNATIONAL BOUNDARY BETWEEN THE UNITED STATES AND CANADA

ORDER OF APPROVAL

WHEREAS an Application of the City of Seattle bearing the date of May 26, 1941, was presented to and filed with the International Joint Commission on August 6, 1941, under the provisions of the Treaty of January 11, 1909, between the United States and Great Britain, for authority to raise, by stages, the natural water level of the Skagit River 150 feet, to elevation 1725 feet above mean sea level at the international boundary, by progressively increasing the height of the Ross dam on the Skagit River in Whatcom County, Washington; and

WHEREAS the Skagit River rises in British Columbia west of the Cascade Mountains, and after flowing approximately 28 miles through British Columbia crosses the international boundary into the State of Washington, and after a further course of 135 miles, in the State of Washington, discharges into the Pacific Ocean through the Strait of Juan de Fuca; and is a stream crossing the international boundary within the meaning of Article IV of the Treaty of January 11, 1909; and

WHEREAS for many years the City of Seattle has been constructing, operating and maintaining a large water-power project on the Skagit River, of which the Ross Dam, located about 30 miles downstream from the international boundary, and the reservoir created thereby, known as Ruby Lake, are essential features; and

WHEREAS the said Ross Dam has been constructed by the City of Seattle to an initial or intermediate height sufficient to impound water to elevation 1380 feet above mean sea level, in accordance with plans approved by the Federal Power Commission of the United States, which plans constitute a part of the license authorized by that Commission for the construction, operation, and maintenance of the said water-power project; and the City of Seattle proposes in its Application to raise the dam by stages to an ultimate height sufficient to impound water to elevation 1725 feet above mean sea level, subject to the jurisdiction of the Federal Power Commission; and

WHEREAS, after due notice to all interested parties in the United States and Canada, the said Application came on for hearing in the City of Seattle in the State of Washington on September 12, 1941, when evidence was adduced by interested parties, and all such parties desiring to be heard were fully heard; and

WHEREAS it appears that the raising of the natural water level at the International boundary by 130 feet would result in the flooding of approximately 5475 acres of land in the Province of British Columbia, Canada, the title to approximately 4835 acres thereof being held by the said Province; and

WHEREAS official representatives of the Province of British Columbia appeared before the Commission at the aforementioned Seattle hearing and stated that the Province would interpose no objection to approval of the Application by the Commission, provided the Commission shall require the City of Seattle reasonably and appropriately to compensate the Province, and any other Canadian interests affected, for such damage to lands in Canada as may result from the raising of the natural water level of the Skagit River at and above the international boundary.

NOW THEREFORE THIS COMMISSION DOETH ORDER AND DIRECT that the said Application of the City of Seattle for authority to raise, by stages, the natural water level of the Skagit River at the international boundary to elevation 1725 feet above mean sea level, be approved and it is hereby approved, subject to the following conditions:

1. The City of Seattle shall adequately compensate the Province of British Columbia, and any Canadian private interests that may be affected, for any damage caused in British Columbia as the result of any increase in the natural water levels of the Skagit River at and above the international boundary; provided that the Ross Dam shall not be raised beyond the height at which the water impounded by it would reach British Columbia unless and until a binding agreement has been entered into between the City of Seattle and the Government of British Columbia providing for indemnifying British Columbia and

private interests in British Columbia for any injury that may be sustained by reason of the City's operations on the Skagit River.

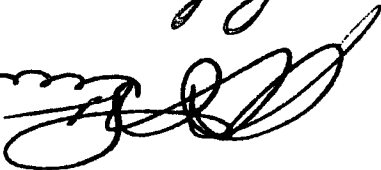
2. The Commission expressly reserves its powers under the aforesaid Treaty further to exercise jurisdiction over effects on the natural water levels at and above the international boundary, and to amend this Order or issue additional Orders for the protection and indemnification of the Province of British Columbia, or any affected private interests in Canada, that may be found by the Commission to have sustained damage by reason of any violation of the terms of this Order: Provided, that any such further Order shall be issued only after the Commission shall have received and considered a formal Application filed by the aggrieved party in accordance with the Commission's Rules of Procedure, and after due notice has been given and opportunity for hearing afforded to all interested parties in the United States and Canada.

3. The Commission shall appoint an Engineering Board, to be known as the International Skagit River Board of Control, to consist of two members, one to be drawn from the engineering services of the United States and the other from the engineering services of Canada. It shall be the duty of the Board to act as technical advisers to the Commission and to make such technical reports with respect to

this matter as the Commission may require.

Dated at the City of Montreal this twenty-seventh day of January,

1942.

  
Charles Stewart  
Vogel's, Montreal  
J. E. Knapp.