

TO

THE HONORABLE THE INTERNATIONAL JOINT COMMISSION

for permission to construct and operate certain permanent works adjacent to the Channel of the Kootenay River and it's East Branch for the Reclamation of certain flood lands between the International Boundary Line and Kootenay Lake near Sirdar, Province of British Columbia, Canada.

RESPECTFULLY REPRESENTS.

1.

The Creston Reclamation Company Limited is a Company incorporated under the Companies Act of the Province of British Columbia, a Copy of the Certificate of Incorporation, Memorandum of Association and Authority to commence business being on file with the Honorable Commission, the Head office of the Company is at Creston in the Province of British Columbia, Canada. The objects of the Company are as set forth in the said Memorandum, and more particularly to undertake, construct and maintain upon any land owned by the Company, or in which the Company has any interest, operations for the purpose of reclaiming and bringing under cultivation such lands or any part thereof.

The Directors of the Company are Messrs Frank V. Staples, Roy B. Staples, Frank H. Putnam, H. S. McCreath and Robert Cheyne.

The Capital Stock of the Company is \$100,000.00 divided into 100,000 shares, of which 98,602 have been issued and paid for. The Applicant Company in 1935, having received the Approval of the Honorable Commission to its application to reclaim lands in the Kootenay Flats, successfully completed the dyking and drainage of an area of 8,600 acres, being Unit No. 1. of the Company's application of October 14th, 1927. These reclaimed lands are now incorporated into the Creston Dyking District as an improved area under the Water Act of the Province. The District has had five years of agricultural production and has during that period expended a sum of \$25,000.00 on repairs and betterments to dykes, as well as creating a reserve in excess of \$11,000.00.

11.

By virtue of an Order of the Executive Council of the Government of the Province of British Columbia, being No 141, dated at Victoria, British Columbia, February the 3rd, 1942, the Applicant has been granted the right under authority of Section 68 of the Land Act, being Chapter 144, Revised Statutes of British Columbia, 1936, to acquire partly by purchase and partly be free grant, certain agricultural lands subject to submergence in greater or lesser degree at frequent intervals from the back waters of Kootenay Lake, situate and being in the North East angle of the delta of the Kootenay River, and contained in the Township and Sections enumerated below:

Township	8,	Sections	29,32,33,
Township	10,	"	12,13,23,24,25,26,35,36,
Township	11,	"	4, 5, 6, 7, 8,17,18,19,30 ,

on the following conditions:-

1. That the land contained in the said area be dyked reclaimed and fully protected from flooding during an entire period between April 1st and August 1st in the same year.



2. That the Applicant first obtain the Approval of the International Joint Commission to construct and operate the necessary permanent works to fully secure and satisfy the aforementioned condition.
3. That concurrently therewith the Applicant obtain Approval of the construction and operation of the said works by the Governor General in Council under the Provisions of Chapter 140, Revised Statutes of Canada, 1927, being the Navigable Waters Protection Act, so that the provisions of Section 4 thereof may be fully complied with.
4. That concurrently therewith the Applicant make such further arrangements as may be necessary with the Department of Indian Affairs for Canada in regard to any Indian Reserve lands within the said area.

III.

Upon the Approval of the International Joint Commission to this Application, together with the consents of the respective Departments of the Government of the Dominion of Canada, the Government of the Province of British Columbia is authorized, under the provisions of the Order-in-Council heretofore referred to, to enter into an agreement with the Applicant for the dyking, reclamation and further development of the lands heretofore described, under terms and conditions therein set forth.

IV.

The Applicant proposes to reclaim the whole of the said lands, which are bounded on the South by the reclaimed area now incorporated into Creston Dyking District, on the West and North by the Kootenay River and the East Branch of the same, and on the East by the height of land of the eastern foothills.

The Reclamation project as planned and as more particularly set forth and detailed in the plans accompanying this Application, consists of a dyke or levee constructed to an elevation well above flood levels commencing at a point at the eastern foothills in the South East angle of the area described, thence generally following the northern boundary of the Creston Dyking District in a westerly direction to the East bank of the Kootenay River, thence following along the said East bank of the Kootenay River in a general northerly direction to its confluence with the East branch of the said Kootenay River, thence following along the East bank of the said waterway in a general northerly and easterly direction to a point at the eastern foothills situate at or about Bench Mark 204D, Publication No 24, Geodetic Survey of Canada, the said dyke or levee together with the eastern foothills completely surrounding the said lands, herein designated Unit No. 2.

The length of the proposed dyke along the East bank of the Kootenay River is approximately 5.2 miles and for only approximately 1,600 feet of this distance is the river dyked on its opposite bank, thereby adding to no appreciable extent to the choke section of the river, no dyke being constructed or projected along the West bank of the East branch of the Kootenay River opposite to Unit No 2.. The discharge capacity of the waterways along which it is proposed the dykes will be constructed, will in no way be affected. The elevation of the natural banks of the waterways is such that in only six of the fifty years of record have they been over topped by the flood waters. The regulation of the run off of the Kootenay Lake by remedial works at Grohman Narrows in recent years has considerably lessened flood heights, the benefit in the vicinity of the proposed project being such that it is estimated that only in two of the six floods mentioned would the natural banks have been overflowed had the remedial works been constructed at that time. The effect of the proposed construction on the level of the Kootenay River at the International Boundary Line will be nil at low water and merely nominal at flood periods.

V.

The Applicant Company is adequately financed and has the necessary cash resources to construct the said works in accordance with the plans made a part of the Application and enumerated hereunder:

- (a) General Plan on Tracing linen showing the delta of the Kootenay River in British Columbia and the reclaimed area therein.
- (b) Plan on Tracing linen showing the contour lines on the land proposed to be reclaimed, as well as the location of levees, ditches and other works deemed necessary.

VI.

The following Consents are submitted and certified copies of the same filed with this Application:

- (a) Consent of the Province of British Columbia as represented by Order-in-Council No 141, dated February 3rd, 1942.
- (b) Consent of the Department of Indian Affairs, Dominion of Canada as represented by Lease dated October 11th, 1934, and Provisional consent as represented by letter of Indian Commissioner for British Columbia dated April 13th, 1942.

VII.

WHEREFORE, this Application is respectfully submitted for the consideration of this Honorable Commission, and the Applicant hereby applies to this Honorable Commission for the Approval of the said works substantially in accordance with the said plans, and for such Order authorizing and empowering the Applicant to proceed with the construction of the said works ~~as may~~ **as may** in the opinion of this Honorable Commission ~~be~~ **be** required by any Treaties or Statutes relating thereto, together with such proviso as may be deemed fitting in the premises.

All of which is respectfully submitted.

CRESTON RECLAMATION COMPANY LTD



Managing Director.

Dated at Creston, in the Province of British Columbia, this 12th day of May, 1942.