APPLICATION OF THE CONSOLIDATED MINING AND SMELTING COMPANY OF CANADA, LIMITED TO THE INTERNATIONAL JOINT COMMISSION FOR APPROVAL OF THE CONSTRUCTION AND MAINTENANCE OF A STORAGE DAM IN THE PEND-D'OREILLE RIVER AT OR NEAR WANETA, BRITISH COLUMBIA.

TO:
The International Joint Commission,
OTTAWA, Canada, and WASHINGTON, D.C.

The Consolidated Mining and Smelting Company of Canada, Limited (hereinafter called "the Applicant") respectfully represents:

Status of the Applicant

(1) The Applicant is a corporation incorporated by Letters Patent dated 9th January, 1906, issued by the Secretary of State, under the Companies Act of Canada. Its head office is in the City of Montreal, in the Province of Quebec, and its principal place of business is in the Municipality of Tadanac, near the City of Trail, in the Province of British Columbia.

(2) The Applicant is authorized and empowered, inter alia, to acquire and hold water rights and privileges, develop, use and supply electric power, and to do all necessary or incidental things in connection therewith.

(3) The Applicant is in a position financially to carry out the proposed works hereinafter referred to.

(4) The Applicant is the owner of a conditional water license granted by the Province of British Columbia in respect of the waters of the Pend-d'Oreille River, which, inter alia, authorizes the construction of dams, penstocks, and power houses at the sites on the Pend-d'Oreille River known as the Waneta site and Seven Mile site, both of which lie wholly within the Province of British Columbia.
The power produced by the Applicant on the Kootenay River, in British Columbia, is now used in the production of lead, zinc, commercial fertilizers, and other metals and chemicals, of which there are shortages throughout the world and some of which are, to a large extent, being used in the production of vital materials for defence; and there is an urgent need that the supply of power be adequate and continuous.

The Applicant will be unable to maintain an adequate and continuous supply of power to meet the demands of its existing plants at Trail and Kimberley, British Columbia, and the extensions thereto which are in the course of being undertaken, unless it is able to obtain power from the proposed works.

**General Description of Project**

The source of the Pend-d'Oreille River is Pend Oreille Lake, in the State of Idaho, from which it flows in a northerly direction, crossing the international boundary near Nelway, British Columbia. It then flows in a westerly direction in British Columbia for a distance of approximately 14 miles, and discharges into the Columbia River near Waneta, British Columbia, approximately 1,100 feet north of the international boundary.

The Applicant proposes to erect at the Waneta site, a dam, power house and incidental works. The dam proposed by the Applicant, detailed specifications of which are now in the course of being drafted, will be built of reinforced concrete and steel, on solid rock, and be provided with sluice gates supported between massive reinforced concrete piers, to allow for maximum flood conditions. The forebay elevation of the dam will vary between approximately 1,495 feet and 1,516 feet.
Attached to this Application and made a part thereof, are the following maps and drawings showing the situation and extent of the proposed works:

**Plan 1** - Showing the location of the proposed Waneta Dam and the arrangement in which the proposed works are to be constructed. This drawing shows the position of Cedar Creek in relation to the Pend-d'Oreille River, and indicates the flooded area of Cedar Creek.

**Plan 2** - Showing the Pend-d'Oreille River basin in Canada.

**Plan 3** - Waneta Dam - typical section through intake and power house.

Cedar Creek, which rises in the State of Washington, approximately 4 miles south of the Pend-d'Oreille River, crosses the international boundary in a northerly direction and discharges into the Pend-d'Oreille River approximately 3,700 feet east of the dam.

**Effect of Proposed Works on International Waters**

The Applicant proposes, if approval of the construction of the dam is granted by the Honourable, The International Joint Commission, to hold, by means of the dam, the upstream pondage at an operating level which may vary between elevation 1,515.75 feet and elevation 1,495.75 feet, Geodetic Survey of Canada datum. The ponded reach meets the international boundary on Cedar Creek about 45 feet above the bed of Cedar Creek. The portion of Cedar Creek in the United States which will be affected by the pondage upstream from the dam lies within a narrow canyon or valley having precipitous banks. The flooded area of the Creek in the United States will not exceed three acres. The pondage becomes gradually modified as it extends upstream on Cedar Creek and
will extend into the State of Washington for a distance of only approximately 900 feet.

(12) Arable lands will not be affected by the proposed works and the Applicant submits that the proposed works will not have any injurious effect on any interests in the United States or any State thereof.

(13) As the proposed works involve the placing of an obstruction in waters at a lower level than the international boundary, which will affect the level of waters above the boundary, that flow across the same, the effect of which is to raise the natural level of waters on the other side of the boundary, it is the opinion of the Applicant that your Honourable Commission has jurisdiction in the premises under the terms of Article IV of the Boundary Waters Treaty, dated the 11th day of January, 1909.

Petition

WHEREFORE the Applicant applies to your Honourable Commission for an appropriate order in the premises expressly approving the construction, maintenance and operation of the said Waneta Dam and reservoir.

Respectfully submitted,

C. H. B. Frere
Solicitor for The Consolidated Mining and Smelting Company of Canada, Limited.

DATED at Trail, British Columbia, this 20th day of April, 1951.
PEND D'OREILLE RIVER
BRITISH COLUMBIA, CANADA
SHOWING
FLOODED AREAS
Scale 1 inch = 600 feet
To accompany application of The Consolidated Mining and Smelting Company of Canada, Limited to the International Joint Commission for authority to construct and maintain a hydro electric power plant, dam and reservoir located at Winneba, British Columbia, Canada.
PLAN 3

PEND D'OREILLE RIVER
BRITISH COLUMBIA, CANADA

PLAN AND SECTION OF
WANETA DAM

To accompany application of The Consolidated Mining and Smelting Company of Canada, Limited, to the International Joint Commission for authority to construct and operate Waneta Hydro-electric power dam and reservoir.