



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>





3 2044 103 250 072

INTERNATIONAL JOINT
COMMISSION (UNITED
STATES AND CANADA)

1909-_____

IN THE MATTER OF THE
APPLICATION OF THE
GREATER WINNIPEG
WATER DISTRICT

1914

HARVARD
LAW
LIBRARY

89
46.4.1.
3



Manly D. Anderson

62

INTERNATIONAL JOINT COMMISSION
→ (United States and Canada) 1909-

139

89.4.1.3

IN THE MATTER OF

C

THE APPLICATION OF THE GREATER
WINNIPEG WATER DISTRICT

FOR

APPROVAL OF THE DIVERSION OF THE
WATERS OF THE LAKE OF THE WOODS
AND SHOAL LAKE FOR SANITARY AND
DOMESTIC PURPOSES

OPINION AND ORDER OF APPROVAL

DATED JANUARY 14, 1914



WASHINGTON
GOVERNMENT PRINTING OFFICE
1914

INTERNATIONAL JOINT COMMISSION.

UNITED STATES.

JAMES A. TAWNEY, *Chairman.*
GEORGE TURNER.
OBADIAH GARDNER.

WHITEHEAD KLUTZ, *Secretary.*

CANADA.

TH. CHASE CASGRAIN, K. C., *Chairman.*
HENRY A. POWELL, K. C.
CHARLES A. MAGRATH.

LAWRENCE J. BURPEE, *Secretary.*

THE INTERNATIONAL JOINT COMMISSION.

APPLICATION OF THE GREATER WINNIPEG WATER DISTRICT
FOR THE DIVERSION AND USE OF WATER FROM SHOAL LAKE
AND LAKE OF THE WOODS.

OPINION.

The application as originally filed under Article III of the treaty by the Greater Winnipeg Water District is for the use and diversion of a portion of the waters of Shoal Lake situated partly in the Province of Ontario and partly in the Province of Manitoba. Shoal Lake is a tributary of the Lake of the Woods, a boundary water, with which it is connected by a series of passages, rapids, and smaller lakes, in all about 7 miles long.

The purpose for which the water is to be used and diverted is set out as follows in the application:

For domestic and sanitary purposes by the inhabitants of the Greater Winnipeg Water District and for such purposes the right, privilege, and power of constructing a system of waterworks with the pipe line or intake pipe placed in said Shoal Lake at or about latitude 49° 38' N., longitude 95° 7' 50" W., in the Province of Ontario, and from there carried and connected by a pipe line through parts of the Provinces of Ontario and Manitoba to a point or points in the Greater Winnipeg Water District.

The Greater Winnipeg Water District is composed of the following cities:

	Population.
Winnipeg.....	191,067
St. Boniface.....	9,100
Transcona.....	1,632
Assiniboia.....	6,000
Fort Garry.....	3,000
St. Vital.....	1,817
Kildonan.....	2,075

The applicant was constituted a corporation by the Statute of Manitoba, chapter 22, 3 George V, assented to on the 15th February, 1913. By the eighty-sixth section the act was to come into force upon proclamation of the lieutenant governor in council. This proclamation, which was issued on the 10th June, 1913, was duly published in the Manitoba Gazette of June 21. By the act 3-4, George V, chapter 208, of the Parliament of the Dominion of Canada, power was given to the city of Winnipeg, "for the purpose of conveying from sources outside of the Province of Manitoba to the city of Winnipeg water for the use

of the municipal corporation of the said city, hereinafter called the Corporation, and of the inhabitants of the said city," to lay, build, construct, equip, and maintain a line of conduit or pipe from the city of Winnipeg and extending out of the Province of Manitoba and into any other Province, with all the powers incidental thereto, and under certain conditions mentioned in the said act. By section 11 of the said act the powers granted thereby to the city of Winnipeg were to be extended to the greater Winnipeg Water District so soon as the Statute of Manitoba hereinabove mentioned had been brought into force by proclamation

By section 10 of the Dominion act any order of the Governor General in council permitting the Corporation to take any waters "over which the Parliament of Canada has control or may for the purposes of the act exercise control" is subject in so far as it applies to "any waters sought to be affected, to the provisions of an act relating to the establishment and expenses of the International Joint Commission, under the waterways treaty of January 11, 1909, and to the said treaty."

Shoal Lake being for the greater part situated in the Province of Ontario, the applicant applied for and obtained from the government of that Province an order in council granting it the right to enter upon and divert and take water from Shoal Lake subject to certain terms, conditions, and stipulations which are enumerated in the order in council.

Briefly summarized, these conditions provide for compensation to the Province of Ontario and to private parties whose lands or properties may be taken, injuriously affected, or in any way interfered with; for the obligation on the part of the applicant to conform to any and all rules and regulations regarding the ascertainment of the quantity of water being taken and the inspection of works or premises and the manner of carrying out the proposed works that the government of Ontario may at any time see fit to make or enact and for the protection by remedial works or otherwise of the property or interests of the town of Kenora in the waters of the Lake of the Woods. The principal condition, in so far as the approval by the commission is concerned, is contained in the third paragraph of the report of the minister of lands, forests, and mines of Ontario, which reads as follows:

3. That the water shall be used only for the purposes for which municipalities and residents therein ordinarily use water and not for the generation of hydraulic or electric power, and the quantity taken shall never at any time exceed one hundred million gallons per day.

With the question of the validity of the powers granted to the applicant by the Dominion act or by the order in council of the Province of Ontario the commission is not concerned. This matter

is in its nature domestic or municipal and is one over which the commission has no jurisdiction.

The Government of the United States filed no statement in response to the applicant, but at the hearing the War Department appeared and filed a statement or brief, in and by which, after describing the nature of the work proposed and the effect of the use and diversion the approval of which is sought by the applicant, stated that:

For the foregoing reasons the War Department makes no objection to the favorable consideration by your honourable commission of the application of the Greater Winnipeg Water District.

It is deemed appropriate to add that in reaching this conclusion the War Department has considered the projected diversion in its relation to the problem of fixing the level of the Lake of the Woods and its tributaries, which is also before your honourable commission for determination. While greatly interested in this problem, and in the ultimate level to be fixed, and while fully recognizing that the authority which may be constituted to supervise and maintain the level of the Lake of the Woods should also control all users of its waters, the War Department feels that the proposed diversion by the Winnipeg Water District is so small a factor of the general problem as to be practically insignificant, and that no valid reason exists for objecting to its consummation.

The Dominion of Canada also appeared and filed copy of an order of His Royal Highness the Governor General in council, declaring *inter alia* that:

Whereas it appears that under the ruling subsequently made by the International Joint Commission the existing rules of procedure of the said commission require that approval of such a map or plan as is attached to the said application should first be given by the Governor in council before consideration thereof by the said commission;

And whereas after full consideration the conclusion has been reached that Shoal Lake is not a boundary water within the definition thereof in the treaty between Great Britain and the United States relating to boundary waters, dated 11th January, 1909, or otherwise, but it has further appeared, however, that the said application is in such terms that the diversion of water contemplated thereby may be such as to affect the natural level or flow of boundary waters and the interests of navigation of both Canada and the United States;

The secretary of state of external affairs, with the approval of the minister of public works, reports that Shoal Lake is not to be considered a boundary water, but that the interests of navigation and the level of boundary waters on both sides of the boundary may possibly be affected, and that the said application covers matters connected with the investigation directed by the said reference to the said commission under Article IX of the said treaty. It thus appears desirable that the said application of the Greater Winnipeg Water District relating to the use of the waters of Shoal Lake should be considered and dealt with by the International Joint Commission.

His Royal Highness the Governor General in council is therefore pleased to approve of the said plan (subject to such conditions and regulations as may be contained in any order in council as provided by section 9 of the said act of Parliament) in order that appropriate action, whether by decision or report, may be taken by the International Joint Commission, without awaiting the disposition of all matters covered by the said reference under Article IX of the said treaty.

Counsel for the applicant at the hearing, acting under special instructions, expressed his consent to the commission dealing with

the application, with the risk of whatever order the commission might make in the Lake of the Woods reference, any recommendation of the commission in that matter to be made without any reference to the necessities or right of the applicant.

The Lake of the Woods Milling Co., an important industrial concern having large mills at Kenora, and the Winnipeg Electric Railway Co., which takes its power from the Winnipeg River, flowing from the Lake of the Woods, signified their assent, through counsel for the applicant, to the granting of the application. Some evidence was also produced showing that the town of Keewatin, situated on the north shore of the Lake of the Woods, had no objection to urge.

The town of Kenora, which has an electric and power plant operated by the waters flowing from the Lake of the Woods and within the limits of which are situated the mills of the Lake of the Woods Milling Co., filed a document, which, although styled a petition, may be considered as a statement in response to the application. The principal grounds urged in this petition are that the use of the waters of Shoal Lake in the manner proposed by the applicant will divert large quantities of water from the Lake of the Woods, of which the petition states Shoal Lake is merely an arm, thereby materially affecting the levels of the Lake of the Woods and the rights and interests of navigation thereon; that the valuable waterpowers on the outlets of the Lake of the Woods, of which the town is the owner, or in which it is otherwise interested, will be seriously affected by the proposed diversion; that the proposed diversion will deprive such waterpowers of the special advantages of a large natural storage reservoir "which fills up from the Lake of the Woods in high-water seasons and flows back again through the narrow connecting channel during the low-water periods, thereby maintaining a more uniform water level in the Lake of the Woods," to the great advantage of such waterpowers, as well as navigation; that the proposed diversion will render much more difficult and impracticable "the successful working out of any scheme or plan for regulating and maintaining uniformity of water levels on the Lake of the Woods for the improvement and advantages of water powers, navigation, lumbering, summer resorts, and other interests of importance and benefit to the town of Kenora"; finally, that there is no actual or substantial necessity for the applicant to obtain such water supply from Shoal Lake, "inasmuch as an ample supply of good water is easily available without interfering with or affecting the interests above mentioned."

Counsel for the town of Kenora stated at the hearing that he also represented the board of trade of the town and, on its behalf, urged the same objection.

Mr. J. T. Johnston, a witness produced on behalf of the applicant, who, as a hydraulic engineer for the water-power branch of the

interior department of the Dominion of Canada, has charge of the reports of the observers at various water-power stations where observations are made, thus describes, from an industrial standpoint, the situation of Kenora and the openings or escapeways or mouths of the Lake of the Woods, by which it discharges into the Winnipeg River:

There is what is known as the Eastern Outlet, at which the Kenora power plant is situated. Then the Western Outlet is located a short distance to the west of the Eastern Branch, and it is closed by the Norman Dam. The Norman Dam is a regulated dam. It is rock-filled, although it is not water-tight. It is regulated by stop logs and can be used to regulate the lake. Then, further to the west, there are two artificial outlets which have been constructed, blasted through a rock ridge at Keewatin to operate two mills there. At the lower end of that reach there is a small trickle of water escapes. It varies at different times of the year. It is partly blocked. There was an old mill there at some time in the past. It is burnt now.

The witness proceeds to say that the Norman Dam is not in use for hydroelectric purposes but is used for regulation, that the Lake of the Woods Milling Co. has two large mills at Kenora, mill A having about 1,900 horsepower installed and mill C, 2,300, making a total of 4,200 that is actually installed, and then he goes on to say:

Kenora has a power house there in which there are three units installed at present, which would develop 2,500 horsepower, and there is room for three additional units in the plant as at present constructed, and that will double the capacity. At present they would require about 1,700 second-feet to operate their plant.

Q. To its full capacity?

A. Its full capacity. That is the largest amount they have ever drawn into their plant, 1,700 second-feet. When the plant is fully completed, they will require double that, say 3,500, in round numbers.

Speaking of the Norman Dam, Mr. Johnston states that there is a leakage through the rock fill of the main dam.

It has never been made water-tight. The leakage, of course, varies with the elevation of the water in the lake. During the high water of the lake that leakage is as high as 4,400 second-feet, just through the rock fill, with a little going through the logs.

In answer to the following question:

Another thing I would like to ask you, is there ever a shortage of water for the industrial establishments at the foot of the lake?

He says:

I do not think they have ever had any shortage of water. I happened to be there during the time of the lowest water in 1911, and the water in the lake was then at such an elevation that the town was having difficulty in getting water to their plant. That was due to the elevation of the lake, though. The channel to the plant was not deep enough to carry the amount of water at that level to the plant. But there was plenty of water coming down through the Norman Dam at that time.

Q. Then you would say for the present industrial establishments and users of water at the foot of the lake there is an abundance on the surface?

A. Yes; any amount.

Q. If developed to their full capacity?

A. Even if developed to their full capacity there is sufficient.

He is then interrogated on an important point in the case:

Q. Would the withdrawal of 160 second-feet from the waters of the lake have any appreciable effect upon the undertakings at the foot of the lake as they at present exist?

A. No, it would not, in this way: The undertakings at the foot of the lake do not use, and have not used, the full flow of the river, and even when their full installation is placed, that is, the Kenora plant, as I stated, has room for three additional units. Even when they are in place and installed there is still, according to our records, and always has been, water enough passing down the river to more than operate them all.

Q. To sum the matter up, if the leakages in the dams, or dam, were stopped, there would be much more water saved, several times over, than would be consumed by the withdrawal to Winnipeg?

A. There would be a great deal more. I can give you some figures, even in the low water in the lake. At low water in the lake there are over 2,000 second-feet leaking through the Kenora Dam. That is at low water. At high water there is more than that leaks through. There is only 160 second-feet going to Winnipeg.

Q. In other words, by stopping the leakage in the dam they would save twelve times the water that would be abstracted by the construction of these proposed works for Winnipeg?

A. Yes.

Mr. J. B. Chalies, superintendent of the water-power branch of the Dominion Government, and who has charge of the Government's dealings with control of water powers and the granting of leases and rights, examined on behalf of the applicant, states as to the effect of taking "an amount of, but not exceeding 158 second-feet of water per day for Winnipeg Waterworks, upon the powers at Lake of the Woods and especially upon the Kenora plant" as follows:

I can only reiterate Mr. Johnston's opinion. I think that the effect would be so small that it would hardly be worth troubling about. Of course, there is this about it, the water-power branch has responsibility for 253 feet of fall in the river, and we feel, apart altogether from the fact that domestic water supply must take precedence over hydrographic use, that the effect would be so small that it is negligible. Therefore, we are not opposed at all to the city's water-supply scheme.

Mr. William J. Stewart, chief hydrographer for Canada, also examined on behalf of the applicant, is asked:

Q. Would this diversion at all prevent the present installations from developing all the horsepower of which they (the power plants down the river) are capable?

A. Not at all. There is far more waste than that.

And lower down:

Q. Then if there were no waste they still would have enough water without this water that Winnipeg wants, to utilize all their present facilities?

A. I understand the power plants at the present date can not use all the water that goes down there. But they will have to allow that amount for future developments.

Following the order in council of the government of Ontario, the order of the commission limits the quantity of water to be taken at any time by the Greater Winnipeg Water District to 100,000,000

gallons per day. This supposes a district with a population of 1,000,000 persons, it being in evidence that a supply of 100 gallons per day for each inhabitant is quite sufficient. The Greater Winnipeg Water District propose to spend \$13,000,000 in bringing the water from Shoal Lake to the city. Col. Potter, of the Government corps of United States Army Engineers, in charge of the military district, with headquarters at St. Paul, Minn., estimates the quantity to be taken by the applicant at 85,000,000 gallons per day. When it is remembered that the district to be served only contains at the present time 214,691 inhabitants, it may safely be said that if the calculations are based on 85,000,000 gallons of water, no great error can be made in relation to the effect which the diversion would have upon Shoal Lake and the Lake of the Woods. Col. Potter, in his evidence, in which he is corroborated by several others of the witnesses, speaks thus:

As Winnipeg is building 84½ miles of a concrete aqueduct, which is not built to stand a full flow, their project is practically limited for many years to this possible draft of 85,000,000 gallons per day. The cost of that aqueduct is more than eight millions, out of the thirteen millions they propose to expend. Therefore, it is beyond reason to look for anything more to be taken out of the Lake of the Woods in many years than the 85,000,000 gallons per day, and it is presumed that they would not be allowed to replace that by a larger conduit, or build another parallel to it, without again coming before this commission, or some similar body which at that time will handle the situation. Therefore I am basing my figures only on what they propose to do now.

Eighty-five million gallons means 157 second-feet, equal to 260 horsepower, according to Mr. Stewart.

The next question which is to be examined is, whether or not Shoal Lake can furnish this quantity of water without drawing from the Lake of the Woods. Upon this point there can be no possible doubt. Col. Potter says:

This supply to Winnipeg would reduce Shoal Lake, if Shoal Lake were separated from the Lake of the Woods, as I figure, 19½ inches in a year. I have heard somebody say 17. My figures show 19½. Two inches excess over evaporation on the lake would leave 17½ inches to be made up from the land tributary to Shoal Lake. The land tributary to Shoal Lake is 3.3 times as much as the water of Shoal Lake. Therefore, if an inch of run-off occurred over the land area, it would raise the lake three inches. Based on that, 5.2 inches of run-off over the watershed would make up enough for Winnipeg's supply. The normal rainfall being 22 inches, it would require a run-off of nearly 25 per cent, which is a very large run-off, much more than we get in the headwaters of the upper Mississippi, and I think at the headwaters of the upper Mississippi we get more than they would get in the kind of territory they are dealing with. So Shoal Lake, in itself, would not produce the water necessary to supply Winnipeg, but would have to draw some from the Lake of the Woods.

And Mr. Stewart:

Q. Mr. Stewart, if I understand you and Colonel Potter correctly, the water of Shoal Lake will not be sufficient to accommodate the needs of the city of Winnipeg,

and in order to meet their needs it will be necessary for them to draw water from the Lake of the Woods?

A. Yes, Mr. Chairman; the records point that way.

Q. So that it would be necessary in that case for the application to cover not only the diversion of water from Shoal Lake, but also the diversion of waters from the Lake of the Woods as well, in order to meet the requirements of the city when they reach the maximum?

A. When they are drawing from Shoal Lake, it will have to come in through Lake of the Woods, to keep up the supply.

If the water had come from Shoal Lake only, I would have had some hesitation in concluding that the commission had jurisdiction. Being of opinion that Shoal Lake is neither an arm nor an inlet nor a bay of the Lake of the Woods, but at most a tributary thereof, I would have been inclined to hold that the matter of the supply of the Greater Winnipeg Water District was one of municipal concern, had it not been for the fact that this uncontradicted testimony showed conclusively that in order to get the supply the applicant would have to draw, through Shoal Lake, on the waters of the Lake of the Woods, which is a boundary water. At the hearing, the applicant moved and was granted leave to amend his application by asking for the approval of the use and diversion, not only of the waters of Shoal Lake, but also of the Lake of the Woods.

The diversion, however, although sufficient to give the commission jurisdiction, is not, from the standpoint of navigation or of the other interests which depend upon the waters of the Lake of the Woods, of any great moment.

Questioned upon this point, Mr. Johnston gives interesting evidence:

Q. I understand that you have made a computation of the depth of water over the surface of the Lake of the Woods that Winnipeg would take in a year at 85,000,000 gallons per day. That is, assuming that all the water that we took in the year came into the lake in one day, what depth would have to be conserved there for the water district's use for the twelve months?

A. That was worked out in our Winnipeg office, and I believe it was 1.42 inches; 1.42 inches on the lake would supply the complete Winnipeg requirements for the year.

Q. That is, 158 second-feet?

A. Yes.

Q. For the 365 days?

A. Exactly.

Q. Then, assuming that we got all that water on some one day in April or May at the high-water time, there would be still water coming, as a matter of fact, into the Lake of the Woods all summer?

A. Yes, during the high-water period we would always have an enormous excess over the low flow conditions during the winter, and a storage of that sort would really only be necessary over a few months; that is, if it came down to a fine point, where storage was required for it. Under present conditions storage is not required for it at all, of course.

Q. Under present conditions no consideration need be given to that little less than an inch and a half?

A. No, not so far as storage is concerned, at all. There is ample extra water being wasted on the river now which would make that.

Q. But assuming that strict consideration has to be given to it, would the six months of conservation on our supply be sufficient, considering that water is coming into the Lake of the Woods all the time, even after the high-flow period has passed?

A. Yes, there is no doubt about it that six months would cover the low-water period in any average year.

And a little later, the chairman having put the following question to him—

Mr. Johnston, I do not know whether I understood you correctly or not, and for my own information I want to ask you, does this 1.42 inches represent the aggregate extent to which the Lake of the Woods would be lowered by the consumption of 85,000,000 gallons throughout the year?

He answers:

A. It represents much more than the aggregate. That represents the extent to which it would be lowered if no water was flowing in and no water flowing out.

Q. A year's consumption?

A. A year's consumption would lower the lake 1.42 inches, provided it was just a lake with nothing coming in and nothing going out except the city's supply.

Q. So that the actual lowering of the level of Lake of the Woods by reason of this diversion would be almost imperceptible?

A. Almost imperceptible.

Col. Potter has this to say upon the same subject:

The fact that this 157 second-feet would lower the Lake of the Woods $1\frac{1}{4}$ inches during the year means practically nothing. As I have said, the lowering per day is 0.004 of an inch. A slight shower the next day anywhere in the valley would restore that to the lake. It would take very little to put it back. I do not imagine that at any time during the year the effect on the level of the Lake of the Woods, due to the removal of 157 second-feet, could be measured.

It must be remembered that the granting of the privilege or franchise to Winnipeg by the legislative and executive bodies, whose consent was obtained by the applicant, was surrounded by such conditions as will safeguard all the interests represented in and around the Lake of the Woods, and, particularly, the interests of riparian owners at the foot or north end of the lake.

At the argument the following question was put to Mr. McLennan:

Q. What is troubling me is this: Can you point out to me in anything that was said before the commission here to justify us in coming to the conclusion that there would be any present damage done to the industries of Kenora, or the town of Kenora generally, or any future damage, by reason of the diversion that is proposed?

A. At present there is no question about it, it would not concern us at all, under present conditions, because we have abundance of water. We have water to run away, there is no doubt, and the fact that the water has been allowed to run away, by leakage and otherwise, through the Norman Dam, of course, is just because at the present time we do not need to take care of it. But there is at the present time under negotiation the development of that Norman power.

No evidence was adduced on behalf of the opposing parties. Counsel for the town of Kenora addressed the commission, and he was asked whether he had any proof to make in contradiction of the testimony of the witnesses who had been produced on behalf of the appli-

cant. He very frankly stated that he was not prepared to say that even if an adjournment were given him, he was prepared to offer any evidence in contradiction of the evidence given before the commission. He was urged to point out what indemnity, if any, or what protection, beyond that already given by the statutes and orders in council, he would suggest that the commission should give. He could suggest none, and I gathered from what counsel said that it was impossible for him to contravert in the least degree the evidence adduced on behalf of the applicant, but that his clients, the town of Kenora and the board of trade, were alarmed lest at some future time they should suffer some damage which they neither could estimate now or even point out. As counsel said, they did not want to be wronged or unnecessarily interfered with. Against any wrong, they have the protection of the Dominion statute and the order in council of the Government of Ontario, and as for being unnecessarily interfered with, I am of opinion, as I will very briefly point out, that, under the present circumstances, it is necessary for the Greater Winnipeg Water District to get its water supply from Shoal Lake in the manner described in the application.

An eminent civil and sanitary engineer, Mr. James H. Fuertes, of New York, was examined on behalf of the applicant, to establish the necessity of a water supply for Greater Winnipeg, and the preeminence of Shoal Lake as a good and pure supply. The present water supply of Winnipeg is derived from ground water, and from wells dug into the surface. For some time, 4 wells only were in existence. They were afterwards increased to 11, but, as had been foreseen by Mr. Fuertes, the supply was not correspondingly increased. At this day Winnipeg's population of 175,000 inhabitants depends on 8,000,000 gallons of water a day or 46 gallons per capita. It is evident that this supply is insufficient and will become more and more so as the population of the city increases.

A commission, composed of Messrs. Fuertes, J. E. Schwitzer, R. S. Lea, and George C. Whipple, having been appointed in 1907 to examine the different water supplies available for Winnipeg, they made a report recommending the water of Winnipeg River. This plan lay dormant for a long while and was never put into execution.

In 1911, another commission was appointed, composed of Mr. Fuertes, Rudolph Hering, and Frederic P. Stearns, all standing at the top of the profession. This last commission decided in favor of Shoal Lake, and Mr. Fuertes thus explains the reason of the change:

The first report, made in 1907, was made when the population of Winnipeg and of the district itself, I believe, was only about half what it is at the present time; and at that time also the city of Winnipeg was very strongly in need of a cheap power, and in considering the merits or necessity of the two propositions, either the water supply or the power, preference was given to the power at the start, and it was felt at that time that between a new water supply which was very costly in construction, as compared

with another one costing less but about the same to operate, the preference was given to the one which cost the less to construct, on the basis that either would give a satisfactory water. That report was received, and no action was taken with regard to carrying out the recommendations. The matter lay dormant until this last year, when this new commission was appointed. We felt, on the second commission, not bound at all in any way by the recommendations made in the first report, further than to take into consideration everything that had been taken into consideration before, and to find, in view of all the conditions existing when the second report was made, as to what we thought was the best policy for the city to pursue. In the first report the annual cost of operation of the Shoal Lake proposition was, as I remember, a little less than from the Winnipeg River; the difference was not great; but the Winnipeg River supply cost a great deal less to build, and could have been built in a much shorter time, as we then estimated it. We therefore at that time reported in favor of the Winnipeg River. On this second report the population having greatly increased, the power plant having been installed and having commenced to make money, and things being more favorable in every respect, and the city having found a way of getting the water from Shoal Lake by a more satisfactory method than appeared in the first instance, because at first the surveys were not very complete, we found in favor of Shoal Lake as a supply.

There was also produced in the record a report by Prof. C. S. Slichter, who recommends Shoal Lake. The difference in the cost between the two projects, viz, between the Winnipeg River supply and the Shoal Lake supply is given as follows by Mr. Fuertes:

Using wood stave pipe lines from the Winnipeg River for an average daily supply of 48,000,000 gallons, which was the highest we carried out, the construction cost was ten millions and a half. The other, the Shoal Lake supply, for 85,000,000 gallons, is about thirteen millions.

Mr. Fuertes was asked:

After going into this matter very thoroughly you have come to the conclusion that the report you made to the city of Winnipeg in 1913, recommends the most favorable system for a water supply to Winnipeg at the present time?

To which he answered:

It is the best system we could find.

To sum up, we believe that it is absolutely necessary for the city of Winnipeg and the Greater Winnipeg Water District, the applicant, to obtain a sufficient supply of good, pure, and wholesome water; that after examining the available sources of supply, the applicant has shown that the best source, the cheapest, the most abundant, and the purest is Shoal Lake; that the diversion of the waters of Shoal Lake and the resultant decrease of the flow of the waters of the Lake of the Woods at the outlet of the lake, is, for the present at least, practically unimportant, and without any effect upon the industries and plants established at Kenora, and, finally, that the granting of the privilege of taking the waters of Shoal Lake has been surrounded by such safeguards that all the interests are amply protected.

For these reasons the amended application will be granted and the order made as prayed for.

Opinion by Mr. Casgrain.

INTERNATIONAL JOINT COMMISSION.

IN THE MATTER OF:

THE APPLICATION OF THE GREATER WINNIPEG WATER DISTRICT "FOR THE APPROVAL OF THE USE OF THE WATERS OF SHOAL LAKE (SITUATE IN THE PROVINCES OF ONTARIO AND MANITOBA, CANADA), IN PURSUANCE OF THE POWERS CONFERRED BY AN ACT OF THE PARLIAMENT OF CANADA TO ENABLE THE CITY OF WINNIPEG TO GET WATER OUTSIDE THE PROVINCE OF MANITOBA."

ORDER OF APPROVAL.

The application in this matter filed at Ottawa and Washington on the 8th September, 1913, is in the following terms:

To the Honourable ROBERT ROGERS,

Minister of Public Works for the Dominion of Canada:

The petition of the Greater Winnipeg Water District humbly sheweth as follows:

1. Your petitioners are a Corporation duly created by an act of the legislative assembly of the Province of Manitoba, being chapter 22 of the statutes of said Province passed in 3 George V (1913), and brought into force by proclamation of the lieutenant governor in council on the tenth day of June, 1913, issued upon and after the vote mentioned in sections 86 to 89 of said act had been duly taken and was answered affirmatively by six-sevenths of the electors voting thereon.

2. Your petitioners are desirous of obtaining the approval of the Government of Canada for the use of the waters of Shoal Lake (situate in the Provinces of Ontario and Manitoba) for domestic and sanitary purposes by the inhabitants of the Greater Winnipeg Water District and for such purposes the right, privilege, and power of constructing a system of waterworks with the pipe line or intake pipe placed in said Shoal Lake at or about latitude 49° 38' N., longitude 95° 7' 50'' W., in the Province of Ontario, and from there carried and connected by a pipe line through parts of the Provinces of Ontario and Manitoba to a point or points in the Greater Winnipeg Water District; and for said purposes to exercise the powers conferred by an act of the Parliament of Canada to enable the city of Winnipeg to get water outside the Province of Manitoba, which said act was passed in the session of 1912-13.

3. The use of said water for the purposes aforesaid is rendered imperative in the opinion of your petitioners after careful examination by competent experts and authorities, owing to the rapidly increasing population of the said Greater Winnipeg Water District and the insecurity of the present artesian source of supply, and the difficulties and danger attending the use of the water of either of the rivers flowing through the district (Red and Assiniboine Rivers).

4. Your petitioners submit that the use and diversion of said water from Shoal Lake for said purpose will not appreciably affect the level of the Lake of the Woods, or in any way affect the right or ability to navigate said lake and will not injuriously affect the interests or rights of any parties.

5. Your petitioners beg to point out that the present population of the Greater Winnipeg Water District is estimated at two hundred and twenty-five thousand souls and that the population for the same territory at the census of 1901 was only fifty thousand.

6. Herewith are filed the following: Two tracings or maps showing the position of Shoal Lake and indicating generally the route of the proposed pipe line from the said lake to the city of Winnipeg.

APPLICATION TO INTERNATIONAL JOINT COMMISSION.

7. In view of clause "10" of the said act of the Parliament of Canada and the connection of said Shoal Lake with the Lake of the Woods, which latter lake is a boundary water under the terms of the waterways treaty between Great Britain and the United States of America of January eleventh, nineteen hundred and nine, respecting boundary waters, your petitioners are desirous that the International Joint Commission under said treaty should confirm your petitioners' right to take the water of Shoal Lake for the purposes aforesaid, and do hereby request that you will transmit this application to the said commission, under rules 6, 7, and 8 of said commission, accompanied with a request that the commission take appropriate action thereon. For such purpose your petitioners forward herewith the following documents (in addition to those hereinbefore mentioned and in addition to the two originals of this paper intended for the approval of your department).

(a) One duplicate original of this application for each of the secretaries of said commission.

(b) One original tracing map (for each of said secretaries), showing the territory in question and indicating the general direction of the proposed pipe line (this is duplicate of the map herewith filed with your department).

(c) Twenty-five printed copies of this application for each secretary (50 in all).

(d) Twenty-five white prints of said map for each secretary (50 in all).

8. Your petitioners request that in transmitting this application and the accompanying papers to the Canadian and American secretaries of the commission at Ottawa and Washington, respectively, that your department forward therewith your approval thereof under the terms of rule numbered 8 of said commission.

Your petitioners therefore pray:

(1) That you will approve of said map under the provisions of section 3 of said act of the Parliament of Canada, and

(2) That you will transmit this application to the Canadian and American secretaries of the International Joint Commission in compliance with its rules, together with your expressed approval thereof and with your request that the commission take appropriate action thereon.

And your petitioners will ever pray.

The approval of the minister of public works of Canada, which bears date the 25th day of August, 1913, reads as follows:

I hereby approve of the annexed application by the Greater Winnipeg Water District and of the map referred to therein (the scale of said map being, in my opinion, sufficient).

Duplicates of said application and of said map are hereby transmitted to the International Joint Commission under the treaty between the United States and Great Britain, signed January 11th, 1909, and I hereby request the commission to take appropriate action thereon.

Dated at Winnipeg, this twenty-fifth day of August, A. D. 1913.

R. ROGERS,
Minister of Public Works.

Subsequently, at the hearing, a motion was made on behalf of the applicant for leave to amend the application by inserting the words "and Lake of the Woods" in the second paragraph, after the word "Manitoba," in the fourth paragraph after the words "Shoal Lake," and in the seventh paragraph between the words "Shoal Lake" and the words "for the purposes aforesaid."

The United States Government, within the delays fixed by the rules, filed no statement in answer to the said application.

On the 30th December, 1913, the municipal corporation of the town of Kenora filed a document styled "Petition," addressed to the commission and reading as follows:

The petition of the municipal corporation of the town of Kenora humbly sheweth, as follows:

1. Your petitioner is a municipal corporation, situated upon and at the outlets of the Lake of the Woods, and is largely dependent upon the lumbering navigation and water-power interests thereon and connected therewith.

2. The use of the water of Shoal Lake for the purposes and in the manner proposed under the application of the Greater Winnipeg Water District, filed with the International Joint Commission on the 8th day of September, 1913, will divert large quantities of water from the Lake of the Woods (of which Shoal Lake is merely an arm) materially affecting the levels of the Lake of the Woods and the rights and interests of navigation thereon.

3. Your petitioner being situated as aforesaid and being owner and otherwise interested in valuable water powers on the outlets of said lake will be seriously affected by the proposed diversion of such water from its natural course especially in low-water periods.

4. That such proposed diversion being from Shoal Lake will deprive such water powers of the special advantages of a large natural storage reservoir (Shoal Lake) which fills up from the Lake of the Woods in high-water seasons and flows back again through its narrow connecting channel during low-water periods thereby maintaining a more uniform water level in the Lake of the Woods to the great advantage of such water powers as well as navigation.

5. That such proposed diversion of water from Shoal Lake will render much more difficult and impracticable the successful working out of any scheme or plan for regulating and maintaining uniformity of water levels on the Lake of the Woods for the improvement and advantages of water powers, navigation, lumbering, summer resorts, and other interests of importance and benefit to the town of Kenora.

6. That there is no actual or substantial necessity for the applicants, the Greater Winnipeg Water District, to obtain such water supply from Shoal Lake or divert water therefrom for such purposes as proposed inasmuch as an ample supply of good water is easily available without interfering with or affecting the interests above mentioned:

Your petitioner therefore prays:

(a) That the said application of the Greater Winnipeg Water District be not granted, approved, or confirmed.

(b) That your petitioner be given notice of the date of hearing of the said application and of such other proceedings as it may please the commission to order.

(c) That your petitioner be also granted leave to be represented by counsel at the hearing of the said application and to adduce evidence in support of the allegations above contained as provided for under the rules of procedure of the commission.

And your petitioner will ever pray.

The application came up for hearing at Washington, D. C., on the 14th of January, when Isaac Campbell, Esq., K. C., appeared on behalf of the applicant, George W. Koonz, Esq., appeared on behalf of the War Department of the United States, C. S. MacInnes, Esq., K. C., on behalf of the Government of the Dominion of Canada and Allan McLennan, on behalf of the municipal corporation of the town of Kenora and the board of trade thereof.

Mr. Koonz, on behalf of the War Department of the United States, filed the following statement or brief:

To the honourable, The International Joint Commission.

As counsel for the War Department in this regard the undersigned respectfully submits:

The project of the Greater Winnipeg Water District, pending before your honourable commission, contemplates the diversion of the waters of Shoal Lake for domestic and sanitary purposes, and involves for the accomplishment of such diversion the placing in said lake of a system of water works including pipe lines, intakes, and other appurtenant structures. The project has been approved by the minister of public works of the Dominion of Canada and the approval of your honorable commission is sought by reason of the fact that Shoal Lake connects with the Lake of the Woods, which latter is a boundary water within the terms of the treaty between the United States and Great Britain proclaimed May 13th, 1910.

Shoal Lake is situated in the Provinces of Ontario and Manitoba, and the proposed waterworks structures are to be located wholly within Canadian territory. The chief concern of the War Department with the project is the effect that the proposed diversion will have on the level of the Lake of the Woods, and consequently on the navigable capacity of the lake and its tributaries, which under present conditions will be directly proportional to the amount of water diverted.

It is understood that the present consumption of water in Winnipeg is a little less than 50 gallons per capita per day, and that the possible maximum consumption is placed at 100 gallons. With this maximum consumption and a population of 500,000, which is more than double that of the present, the daily consumption would be 50,000,000 gallons, which translated into stream flow means about 77 cubic feet per second. This flow would have but little effect on the level of the Lake of the Woods, as if kept up continuously for an entire year, and all other influences affecting the level of the lake are disregarded, it would lower the lake only three-fourths of an inch. The area of the lake is 1,450 square miles, of which 111 square miles, or about 8 per cent, are in Shoal Lake, and if the latter should be entirely separated, the reservoir area would be reduced only 8 per cent.

With respect to the proposed diversion on the outflow of the lake, and hence on the water powers there located, it may be said that there are approximately 25,900 square miles in the watershed of the lake, and based upon the best estimates obtainable there is a minimum flow of 2,660 second-feet. The proposed diversion of 77 second-feet for the Winnipeg water system is, therefore, less than 3 per cent of the minimum flow, and much smaller per cent of the normal flow, and this amount will be required only with more than double the present population and double the present per capita consumption.

It is apparent from the foregoing that it will be many years before the consumption of water by the Greater Winnipeg Water District will be great enough to lower the Lake of the Woods an appreciable amount or before the maximum effect on the outflow will be as much as 3 per cent, and that the reservoir area, if Shoal Lake were sepa-

rated, would be reduced only 8 per cent. A reduction of even as much as one inch on a navigable depth of 8 to 10 feet could scarcely be considered important and surely would cause little injury to navigation on the Lake of the Woods, and still less to the navigable capacity of Rainy River.

For the foregoing reasons the War Department makes no objection to the favorable consideration by your honorable commission of the application of the Greater Winnipeg Water District.

It is deemed appropriate to add that in reaching this conclusion the War Department has considered the projected diversion in its relation to the problem of fixing the level of the Lake of the Woods and its tributaries, which is also before your honorable commission for determination. While greatly interested in this problem, and in the ultimate level to be fixed, and while fully recognizing that the authority which may be constituted to supervise and maintain the level of the Lake of the Woods should also control all users of its waters, the War Department feels that the proposed diversion by the Winnipeg Water District is so small a factor of the general problem as to be practically insignificant, and that no valid reason exists for objecting to its consummation.

Mr. MacInnes read to the commission and produced in the record copy of an order of His Royal Highness the Governor General in council, dated the 3d day of January, 1914, which is in the following terms:

His Royal Highness the Governor General in council.

Whereas an application was recently made by the Greater Winnipeg Water District (a corporation created by a special act of the legislature of Manitoba and on which certain powers were conferred by a special act of the Parliament of Canada passed in 1913, ch. 208 of 3-4 George V) to the minister of public works asking for the approval, under section 3 of the said act of the Parliament, of a certain map of plan in relation to the use of the waters of Shoal Lake, situated in the Provinces of Ontario and Manitoba, for domestic and sanitary purposes by the inhabitants of the Greater Winnipeg Water District, and requesting that the said application be transmitted to the International Joint Commission with the approval of the minister of public works and with the request that the said commission take appropriate action thereon;

And whereas the said application was transmitted by the minister of public works to the International Joint Commission with his approval and with the request that appropriate action be taken thereon;

And whereas it appears that under the ruling subsequently made by the International Joint Commission the existing rules of procedure of the said commission require that approval of such a map or plan as is attached to the said application should first be given by the Governor in council before consideration thereof by the said commission;

And whereas after full consideration the conclusion has been reached that Shoal Lake is not a boundary water within the definition thereof in the treaty between Great Britain and the United States relating to boundary waters, dated 11th January, 1909, or otherwise, but it has further appeared, however, that the said application is in such terms that the diversion of water contemplated thereby may be such as to affect the natural level or flow of boundary waters and the interests of navigation of both Canada and the United States;

And whereas it has also appeared that the said Shoal Lake is within the scope of an outstanding reference to the International Joint Commission under Article IX of the said treaty, relating to "the waters of the Lake of the Woods and the waters flowing into and from the lake:"

The secretary of state of external affairs, with the approval of the minister of public works, reports that Shoal Lake is not to be considered a boundary water, but that the interests of navigation and the level of boundary waters on both sides of the boundary may possibly be affected, and that the said application covers matters connected with the investigation directed by the said reference to the said commission, Article IX of the said treaty. It thus appears desirable that the said application of the Greater Winnipeg Water District relating to the use of the waters of Shoal Lake should be considered and dealt with by the International Joint Commission.

His Royal Highness the Governor General in council is therefore pleased to approve of the said plan (subject to such conditions and regulations as may be contained in any order in council as provided by section 9 of the said act of Parliament) in order that appropriate action whether by decision or report may be taken by the International Joint Commission, without awaiting the disposition of all matters covered by the said reference under Article IX of the said treaty.

RODOLPH BOUDREAU,
Clerk of the Privy Council.

It was established on behalf of the applicant that the Greater Winnipeg Water District was duly incorporated by a statute of the Province of Manitoba, entitled "The Greater Winnipeg Water District Act," being chapter 22, 3 George V, assented to on February 15, 1913. By the eighty-sixth section the said act was to come into force upon proclamation of the lieutenant governor in council. By a proclamation dated the 10th June, 1913, the said act was duly brought into force, which proclamation was published in the Manitoba Gazette of June 21. By the act 3-4 George V, chapter 208 of the Parliament of the Dominion of Canada, power was given to the city of Winnipeg "for the purpose of conveying from sources outside of the Province of Manitoba to the city of Winnipeg, water for the use of the municipal corporation of the said city, hereinafter called 'the Corporation,' and of the inhabitants of the said city," to lay, build, construct, equip and maintain a line of conduit or pipe from the city of Winnipeg extending out of the Province of Manitoba and into any other Province, with all the powers incidental thereto, and under certain conditions mentioned in the said act. By section 11 of the said act, the powers granted thereby to the city of Winnipeg were to be extended to the Greater Winnipeg Water District so soon as the statute of the Province of Manitoba, hereinabove mentioned, had been brought into force by proclamation.

By section 10 of the Dominion act, any order of the governor general in council permitting the corporation to take any waters "over which the Parliament of Canada has control or may for the purposes of the act exercise control," is subject in so far as it applies to "any waters sought to be affected, to the provisions of an act relating to the establishment and expenses of the International Joint Commission under the Waterways treaty of January the eleventh, nineteen hundred and nine, and to the said treaty."

The applicant filed the following order in council, approved by his honor the lieutenant governor of the Province of Ontario, on the 2d October, 1913:

The committee of council have had under consideration the annexed report of the honourable the minister of lands, forests, and mines, with reference to the application of the Greater Winnipeg Water District, comprising the following municipalities in the Province of Manitoba, that is to say:

Winnipeg having a population of	191,067
St. Boniface " " " "	9,100
Transcona " " " "	1,632
Assiniboia " " " "	6,000
Fort Garry " " " "	3,000
St. Vital " " " "	1,817
Kildonan " " " "	2,075

for permission to take water from Shoal Lake in the district of Kenora for domestic and municipal purposes and advise that there be granted to the said Greater Winnipeg Water District the right to enter upon and to divert and take water from the said Shoal Lake, subject to the terms, conditions, and stipulations set forth and contained in the minister's report.

Certified.

J. LONSDALE CAPREOL,
Clerk, Executive Council.

To His Honour the Lieutenant Governor in Council:

The undersigned has the honor to report that the Greater Winnipeg Water District, comprising the following municipalities in the Province of Manitoba, that is to say:

Winnipeg having a population of	191,067
St. Boniface " " " "	9,100
Transcona " " " "	1,632
Assiniboia " " " "	6,000
Fort Garry " " " "	3,000
St. Vital " " " "	1,817
Kildonan " " " "	2,075

which said district is shewn on the map hereto annexed, has represented that the only available source of water supply for domestic and municipal purposes for use in the said district is Shoal Lake in the district of Kenora, in the Province of Ontario, and the said district has applied for permission to take water from the said lake for the purposes aforesaid.

The undersigned respectfully recommends that there be granted to the said Greater Winnipeg Water District the right to enter upon and to divert and take water from Shoal Lake, in the district of Kenora, in this Province, subject to the following terms, conditions, and stipulations:

1. That full compensation be made to the Province of Ontario and also to all private parties whose lands or properties may be taken, injuriously affected, or in any way interfered with, but water taken within the terms hereof and considered merely as water is not property to be paid for.

2. That the district shall abide by and conform to any and all rules, regulations, or conditions regarding the ascertainment of the quantity of water being taken, and as to the inspection of works and premises, and the manner of carrying out the proposed works that the government of Ontario may at any time see fit to make or enact in the premises.

3. That the water shall be used only for the purposes for which municipalities and residents therein ordinarily use water, and not for the generation of hydraulic or electric

power, and the quantity taken shall never, at any time, exceed one hundred million gallons per day.

4. That if it should hereafter appear that the taking of said water from Shoal Lake affects the level of the Lake of the Woods at the town of Kenora, and thereby appreciably reduces the amount of power now developed and owned by the town of Kenora, or in any way injuriously affects the property of the said town, the Greater Winnipeg Water District shall construct such remedial works as may be necessary to prevent or remove any such injurious effects, and in the case of failure on the part of the said district to construct such works, then the said district shall pay to the town of Kenora any damages the said town shall sustain by reason of the taking of the water as aforesaid.

5. In the event of a dispute between the town of Kenora and the Greater Winnipeg Water District with reference to any of the matters in the preceding paragraph mentioned, the same shall be finally settled and determined by arbitration under the Ontario Arbitration Act.

Toronto, October 1st, 1913.

W. H. HEARST.

The following essential facts were established in evidence:

1. That it is necessary for the city of Winnipeg and surrounding municipalities constituting the Greater Winnipeg Water District to obtain from some source outside the limits of such district a sufficient supply of water for domestic and sanitary purposes.

2. That after examination and researches by competent engineers it is manifest that the most feasible plan to obtain such supply of water is to construct an aqueduct from Shoal Lake as described in the statutes, orders in council, and plans mentioned in and filed with the application herein.

3. That it is proposed eventually to draw from Shoal Lake for the Greater Winnipeg Water District a quantity of water amounting to from 85,000,000 to 100,000,000 gallons per diem.

4. That Shoal Lake, which communicates with the Lake of the Woods by a series of passages, rapids, and lakes varying in width and about 7 miles long, can not supply such a quantity of water without drawing from the waters of the Lake of the Woods, a boundary water within the meaning of the waterways treaty of the 11th of January, 1909.

5. That the diversion eventually contemplated will amount to 158 second-feet per day, or 260 horsepower, of which the town of Kenora and its industries will be deprived, but that, on the other hand, even if the town of Kenora installed and operated its whole plant, there would still be, as there always has been, water enough passing down the river to operate all the undertakings at the foot of the Lake of the Woods, and that the withdrawal of the said quantity of water would have no appreciable effect upon the said undertakings.

6. That the authorization to withdraw the said quantity of water from Shoal Lake and the Lake of the Woods is subject to certain specified conditions contained in the statutes and orders in council hereinabove recited under and pursuant to which the applicant

is seeking to act, and that the inobservance of such conditions would carry with it the loss and cancellation of the franchise, and that thereby the public and private interests are fully protected.

After hearing witnesses and counsel for the different parties represented, and after careful consideration, the commission unanimously decided to grant the said application, subject to the conditions specified. And it is therefore

Ordered, That the use and diversion of the waters of Shoal Lake and of the Lake of the Woods for domestic and sanitary purposes by the inhabitants of the Greater Winnipeg Water District, prayed for in the said application, be permitted, subject to the conditions contained in the statutes and orders in council hereinabove recited: And provided further, That the water so to be diverted from Shoal Lake and from the Lake of the Woods be not used for other than domestic and sanitary purposes, that the present approval and permission shall in no way interfere with or prejudice the rights, if any, of any person, corporation, or municipality to damages or compensation for any injuries due in whole or in part to the diversion permitted and approved of, and that the quantity of water so taken and diverted shall never at any time exceed one hundred million gallons per day: And provided further, That the present permission and order shall not be invoked or relied upon in any manner against the recommendations or report to be made by the commission on the reference to it respecting the levels of the Lake of the Woods and shall in no way interfere with the action of the commission in that regard.

Dated at Washington the fourteenth day of January, one thousand nine hundred and fourteen.

TH. CHASE CASGRAIN,
JAMES A. TAWNEY,
HENRY A. POWELL,
GEORGE TURNER,
CHARLES A. MAGRATH.
OBADIAH GARDNER.





Handwritten text at the top of the page, possibly a title or header, which is mostly illegible due to fading and bleed-through.

Main body of handwritten text, consisting of several paragraphs. The text is extremely faint and difficult to decipher, but appears to be a continuous narrative or report.

Handwritten text at the bottom of the page, possibly a signature or footer, which is mostly illegible.

DATE DUE

NOV 6 1976

GAYLORD

PRINTED IN U.S.A.