

## REGULATION OF FLOW OF WATER FROM LAKE MEMPHREMAGOG

*Exchange of notes at Ottawa September 20 and November 6, 1935  
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*The American Minister to the Secretary of State for External Affairs*

OTTAWA, CANADA  
*September 20, 1935*

No. 35

SIR:

I have the honor to refer to the examination by the Governments of Canada and of the United States by means of the International Lake Memphremagog Board of the question of the levels at which Lake Memphremagog should be, as far as possible, maintained.

On April 9, 1920, the Secretary of State transmitted to the Chargé d'Affaires of Great Britain a copy of a petition presented by the inhabitants of the city of Newport and the towns of Derby, Coventry, Barton and Newport, in the State of Vermont, representing that owing to the action of the Dominion Textile Company in maintaining a dam for power purposes in the Magog River at or near the outlet of Lake Memphremagog, in the Province of Quebec, the level of the lake had been increased several feet above the normal level. This resulted in damage to American residence and property owners in the vicinity of the lake and along the Clyde, Barton and Black Rivers which empty therein, the levels of which are affected by the level of the lake.

The attention of the Chargé d'Affaires was also drawn to the provisions of Articles 3 and 4 of the Boundary Waters Convention of January 11, 1909.<sup>1</sup>

In a note dated August 2, 1920, from the British Embassy it was suggested that the United States Government appoint an engineer to confer with a Canadian Government engineer and if possible unite with the latter in a joint recommendation to each government as to the levels or level at which Lake Memphremagog should be, as far as possible, maintained. This sug-

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<sup>1</sup> TS 548, *post*, UNITED KINGDOM.

gestion was acceptable to this Government and the International Lake Memphremagog Board was accordingly established.

After numerous delays, due in large part to the efforts of the interested parties to find a satisfactory solution to the problem between themselves, the Board completed its investigation and on May 14, 1934, submitted its report. It is gratifying to note that during the investigation the Board had the cooperation of the Dominion Textile Company "which has maintained the levels of the lake in a manner which has avoided the development of further complaints on the part of the foreshore landowners." In conclusion the Board recommended that the following principles should govern the regulation of the flow of water from Lake Memphremagog:

"(a) That the levels of the lake shall continue to be regulated in accordance with the rights of regulation held and practised by the Dominion Textile Company at the time of the signing of the Boundary Waters Treaty in 1909, i.e. the levels under conditions of normal flow to range between the upper elevation of 682.57 old datum or 682.70 Geodetic Survey of Canada 1923 adjustment, and a lower limit of 678.85 old datum or 678.98 under the 1923 adjustment.

"(b) That during times of flood the sluiceways of the dam shall be sufficiently opened to ensure that the outflow from the lake shall be unobstructed by the dam, the flood water drawn off, and the water level in the lake reduced to the normal regulated level of 682.70 as rapidly as possible."

The Government of the United States is pleased to concur in the recommendations of the Board as a satisfactory solution of the problem at the present time. I shall be glad to be informed whether the recommendations in question also have the approval of the Canadian Government.

It may be mentioned that while my Government has every expectation that the suggested adjustment will prove a satisfactory solution of the problem, should it be the subject of future complaints the matter would appear to be one which should be referred to the International Joint Commission.

I avail myself of the occasion to renew to you, Sir, the assurances of my highest consideration.

NORMAN ARMOUR

The Right Honorable

THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS,  
*Ottawa, Canada.*

*The Secretary of State for External Affairs to the American Minister*DEPARTMENT OF  
EXTERNAL AFFAIRS  
CANADA

No. 124

OTTAWA, *November 6, 1935*

SIR,—

I have the honour to refer to your note No. 35, dated the 20th September, 1935, concerning the Lake Memphremagog situation.

It is noted that the despatch briefly reviews the history of the international problem which developed in the Lake Memphremagog area and refers to the arrangements made by the governments of Canada and the United States which resulted in the appointment of the International Lake Memphremagog Board to report upon the level or levels at which the Lake should be, as far as possible, maintained.

The despatch finally refers to the report of the Board dated May 14, 1934, as submitted, quotes the Board's recommendations as to the principles which should govern the regulation of the flow of water from the Lake, and expresses the concurrence of the Government of the United States in the recommendations as a satisfactory solution of the problem at the present time.

I may say that His Majesty's government in Canada has given careful consideration to the report of the Board and to the recommendations contained therein, and is also of the opinion that these recommendations afford a satisfactory solution to the Memphremagog problem. The Government of Canada is, therefore, pleased to join with the Government of the United States in concurring in these recommendations.

It may be added that, immediately following its receipt of the Board's report, the Government of Canada, as a precautionary measure designed to safeguard international interest, brought the Board's recommendations to the attention of the Dominion Textile Company which operates the dam at the outlet of the lake, and impressed upon the Company the necessity of exercising the utmost care in seeing that the recommendations of the Board were observed pending final definite action upon the report by the two Governments. There has been wholehearted co-operation on the part of the Company, and arrangements have been effected whereby records of its operations are being filed with the appropriate administrative office of the government, in order that their effect upon lake levels may be checked.

The Government of the United States may be assured that every effort will be made to ensure that the operation of the dam will be carried on in accordance with the recommendations of the Board.

The Government of Canada joins with the Government of the United States in the expectation that the recommendations of the Board will prove a satisfactory solution to the problem which has been, to some extent, a source

of international irritation, and is confident that the action taken will prevent the arising of any situation that could be the subject of justifiable complaint.

Accept, Sir, the renewed assurances of my highest consideration.

W. L. MACKENZIE KING  
*Secretary of State  
for External Affairs*

The Honourable NORMAN ARMOUR,  
*Envoy Extraordinary and Minister Plenipotentiary  
of the United States of America,  
Ottawa, Canada.*