

Excerpts from the FERC License for the Kerr Hydroelectric Project No. 5 regarding Water Level of Flathead Lake

Article 43. Article 12 above notwithstanding, it is specifically understood that, during the term of this license, the Licensee may regulate Flathead Lake between elevations 2883 and 2893 in such manner as will make not less than 1,219,000 acre feet of storage capacity available to the Licensee. Unless otherwise ordered by the Commission after notice and opportunity for hearing, and subject to Article 44 below, such regulation shall be in accordance with the Memorandum of Understanding between MPC and the Corps of Engineers dated May 31, 1962, as amended on October 15, 1965, and approved by the Federal Power Commission in Montana Power Co., 35 FPC 250 (1966). It is expressly understood that if and when water is pumped from Flathead Lake or from Flathead River above Licensee's dam after July 15th in any year for purposes of irrigation as provided in Article 41 hereof, the Licensee shall be permitted, in the months of January, February and March of the next succeeding year, to regulate Flathead Lake below the minimum elevation which may be fixed as foresaid, to the extent necessary to enable it to recover the amount of water so pumped for irrigation purposes. Said elevations are in feet above mean sea level as determined by reference to a certain U.S. Geological Survey bench mark, elevation 2910.882 feet, stamped "2900 N", as now located and established at Somers, Flathead County, or to such other bench marks as may be established by the U.S. Geological Survey having the same datum. The Licensee also agrees to perform such channel excavation and other work as may reasonably be required by the Commission after notice and opportunity for hearing for the purpose of flood control to the end that the normal flood levels of Flathead Lake shall not be increased by reason of the installation of the project works, and for the purpose of full utilization of storage and navigation.