

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Before Commissioners: David S. Black, Acting Chairman; L. J. O'Connor, Jr.,
Charles R. Ross, and Carl E. Page.

The Montana Power Company

)

Project No. 5

ORDER APPROVING AGREEMENT AND PRESCRIBING PRINCIPLES AND
PROCEDURES FOR REGULATION OF FLATHEAD LAKE

(Issued February 24, 1966)

On May 31, 1962, The Montana Power Company, licensee for the Kerr hydroelectric development, Project No. 5, on the Flathead River in Montana, and the Corps of Engineers entered a memorandum of understanding which set forth principles and procedures for regulation of Flathead Lake, the storage reservoir of the Kerr development, in the interests of flood control. The agreement, as amended on October 15, 1965, was filed on October 19, 1965, for approval by the Commission under Article 21 of the Kerr license, providing:

The operations of the Licensee, in so far as they affect the use, storage, and discharge from storage of the water of Flathead Lake, shall at all times be controlled by such reasonable rules and regulations . . . as the Federal Power Commission may prescribe in the interests of flood control and the fullest practicable utilization of the waters of Flathead River and Clark Fork for power, irrigation, and other beneficial uses.

The amended agreement provides in general that: (1) The Licensee and the Corps of Engineers will cooperate in exchanging data and coordinating operations for flood control. (2) Conditions permitting, the lake will be drawn down to elevation 2883 feet, the minimum level under the license, by April 15th and will be raised to elevation 2890 feet by Memorial Day (May 30th) and to elevation 2893 feet, the maximum level under license, by June 15th. (3) When the lake reaches elevation 2886 feet, in a moderate or major flood year, the Licensee will gradually open its spill-gates to maintain free flow and will not close the gates until after the danger of exceeding elevation 2893 feet has passed.

The amended agreement has been endorsed by both the Flathead Lakers, Inc., an association of lakeside residents who are interested in having the lake level brought up to the maximum under license as soon in the

Project No. 5

- 2 -

recreation season as possible, and the Upper Flathead Valley Flood Control Association, an organization of farm owners at the upper end of the lake who are interested in having the lake level kept down to prevent inundation of their lands by late floods. At a conference held in Missoula, Montana, on September 28, 1965, attended by representatives of these two landowners' groups, the licensee, the Corp of Engineers, and the Commission, various differences were settled, and the terms of the settlement were incorporated into the agreement by the amendment of October 15, 1965.

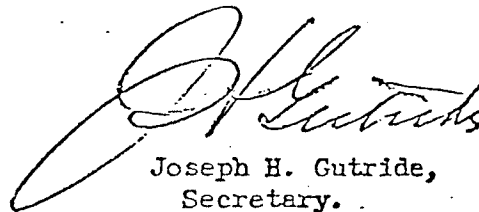
The Commission finds:

The memorandum of understanding of May 31, 1962, as amended October 15, 1965, between the Montana Power Company and the Corps of Engineers provides satisfactory principles and procedures for regulation of Flathead Lake in the interest of flood control, power, recreation, and other beneficial public uses.

The Commission orders:

Until further order of the Commission, the principles and procedures for regulation of Flathead Lake contained in the aforesaid memorandum of understanding are approved and are prescribed under Article 21 of the license for the Montana Power Company's Kerr development, Project No. 5.

By the Commission.


Joseph H. Gutride,
Secretary.