

Plan fourteen has a datum line, which is the water level below the dam, which may or may not be the bottom of the mud sill.

Exhibit twenty-eight is also unsatisfactory, as it is obviously not drawn to scale; but it gives measurements and has an intelligible datum point.

Working out the elevation of the dam from these four several plans, there are found heights of 7 feet and half an inch, 7 feet 5 inches, 7 feet 3 inches, 6 feet 10 two-thirds inches, 6 feet 9 and two-thirds inches, on the plaintiffs' plans. Comparing these heights with that of the water in December, 1912, it will be found that they correspond generally with the latter as shewn on them and on the defendant's plan Exhibit 28.

On plan Exhibit 13 the water level on December 10th, 1912, is given as 6.98 feet, or practically 7 feet, i.e., .41 of a foot—equalling under five inches—below the top of the concrete; and on December 12th, 1912, 6.66 feet, or nine inches below.

On plan Exhibit 28 the height of the water on December 4th, 1912, is given as 99.32, and the top of the concrete at 100, the difference being .68. On December 3rd, 1912, the water came approximately to the top of the embankment, which on Exhibit 28 is given as 99.70, and Mr. Wright says this is about five inches above the level of December 4th, 1912; i.e., on the latter date the water would be eight inches below the top of the concrete pier.

These results do not differ greatly, and they all happened in December, 1912.

The height of the water on December 3rd, 1912, is 99.70, or 3 and 6/10ths inches below the top of the concrete, i.e., 7 ft. 1 inch above the water level below the dam—taking plan Exhibit 13 as correct—and about up to the top of the embankment. On December 4th, 1912, it is given as 99.32, which works out at 6.8 1/2 inches or 6.9 1/2 inches above water level. (See Wright's evidence). On December 10th, 1912, it is given as 7 feet, and on December 12th, 1912, at 6 feet 8 inches. So that on these days it was high and at about the same general level. This level is the height within a few inches of what the dam will hold. Wilkins says a 7-foot head is all that can be got, and that when he measured in June and July there was an inch and a half running over stop-