

conflicting claims on any stream. The Act, of course, provides for appeal to the court from any decision of the Board.

It is therefore thought that in its consideration of the Indian water-right claims the Board should be able to give consideration, not only to the water-records of the Indians in comparison with the water-records of the white settlers adjacent to any reserve, but also to the special position of the reserves due to their historic origin and more or less independent position as above mentioned. The Board should give these broad claims on behalf of the Indians special consideration, and should in particular, and as far as possible, consider, in the case of each reserve, the minimum reasonable quantities of stream flow required to satisfy the present and prospective needs of the Indians for domestic, irrigation and other purposes.

For your information it might be stated that co-operative surveys and investigations are now being made upon the Indian reserves by engineers of the Dominion and Province, under the direction of Mr. Swan, of the Dominion B. C. Hydro-metric Survey. These surveys might afford the basis of the equitable settlement above referred to. These surveys and investigations could be somewhat elaborated so as to comply with any instructions which the Provincial Water Board might wish to give in order to bring the results into the form which the Board might desire for the purpose of its hearings.

It is thought that the Dominion and Provincial engineers, who are carrying on this work, could in most cases come to a substantial agreement upon all the essential facts, such as the area of irrigated and irrigable lands upon the Indian reserves, the minimum available stream flow, the Indian population on the reserves and the probable present requirements.

In closing I wish to point out that Mr. Ellis has intimated that the Provincial Water Board had expressed itself as being governed largely by the view of its Attorney General's Department, namely that the Indian water claims would be decided by it purely on the basis of the records made. This means that in some cases where the prior records were made by white settlers the Indians would be without water. It might be advisable therefore to obtain from the British Columbia Government a concrete statement as to whether the province would be prepared to adjust the question on the lines above suggested.