

I understand that is about 75 per cent of the river.

Mr. BARTHOLOMEW: That is from 60 to 100 years, and then they have the next clause which decreases the diversion.

Mr. RYAN: But, it is limited to the last 20 years?

Mr. BARTHOLOMEW: Yes.

Mr. RYAN: Then, it should be 80 years.

Mr. BARTHOLOMEW: This starts in 80 years time. I think you are right in that connection.

Mr. RYAN: Yes. There is somewhat of an error there.

Then, further down on page 14 of your brief, the sixth line of the third paragraph, it says:

There does not appear to be in the treaty any obligation on the United States to reduce the water level in Canada to permit the building of a suitable dam which would divert the flow northward into the Columbia.

Mr. BARTHOLOMEW: What page are we looking at?

Mr. RYAN: The same page.

Mr. BARTHOLOMEW: Is that page 13?

Mr. RYAN: No, page 14, about the sixth line down in the third paragraph, where it says:

There does not appear to be in the treaty any obligation on the United States to reduce the water level in Canada to permit the building of a suitable dam which would divert the flow northward into the Columbia.

In reference to this quote I would like you to look at article XII, clause (10).

Mr. BARTHOLOMEW: Yes.

Mr. RYAN: You should read article XIX, clauses (1) (2) and (3) with this. Article XII (10) says:

If the treaty is terminated—

Mr. BARTHOLOMEW: Yes, if it is terminated, but if it is not terminated the right is not there.

Mr. RYAN: But, there is an obligation there if it is terminated.

Mr. BARTHOLOMEW: Yes.

Mr. RYAN: Well, let us have that in it.

Mr. BARTHOLOMEW: But, if it is not terminated and suppose you wanted to continue the treaty; in some of the statements in the white paper it is suggested these benefits can be continued after the treaty date. I do not know that they can be.

Mr. RYAN: If we were going to build this dam certainly we would terminate the treaty, would we not, or build the dam through the water.

Mr. BARTHOLOMEW: There is no obligation even to reduce the water level. You have the right to build it there. But, the water level is 150 feet deep at the boundary and if that is not emptied I for one would not like to tackle building a dam there.

Mr. RYAN: Well, I do not know, I am not an engineer. However, it seems to me it is still water and it would be an easy matter to fill in there. That procedure has been followed right here in Ontario and no problem was involved. Furthermore, it seems to me if we can serve notice of termination of the treaty the United States must get the water off our land at that location.