

## APPENDIX "A"

## AGREEMENT BETWEEN CANADA AND BRITISH COLUMBIA RESPECTING COLUMBIA RIVER

THIS AGREEMENT made this 8th day of July, 1963.

BETWEEN THE GOVERNMENT OF CANADA,  
herein referred to as "Canada",  
AND THE GOVERNMENT OF BRITISH COLUMBIA,  
herein referred to as "British Columbia",

WHEREAS a treaty between Canada and the United States of America relating to co-operative development of the water resources of the Columbia river basin has been signed on the 17th day of January 1961; and

WHEREAS it is desirable that an agreement be made between Canada and British Columbia concerning implementation of the treaty and disposal of benefits arising thereunder:

Now Therefore this Agreement Witnesseth:

1. In this agreement "Treaty" means "the treaty between Canada and the United States of America relating to co-operative development of the water resources of the Columbia river basin" signed at Washington, District of Columbia, United States of America on the 17th day of January, 1961, together with any protocol or exchange of notes relating thereto.

2. All proprietary rights, title and interests arising under the treaty and particularly those with respect to

(a) downstream power benefits accruing to Canada,

(b) proceeds from the sale of downstream power benefits in the United States of America.

(c) moneys payable and electric power accruing to Canada in return for flood control,

(d) the stand-by transmission services rendered by transmission grids in the United States of America,

(e) benefits arising in Canada from any dam constructed pursuant to the treaty,

(f) rights of water diversion granted to Canada by Article XIII of the treaty, and

(g) moneys paid to Canada by the United States of America in settlement of any claim made by Canada under the treaty which relates in any way to the obligations of British Columbia under this agreement belong to British Columbia absolutely for its own use.

3. British Columbia shall at its own expense;

(a) construct or arrange for the construction of all the dams and operate or arrange for the operation of all of the storages as required by Articles II and IV of the treaty;

(b) not operate and prevent the operation of any storage in British Columbia in the manner prohibited by Article IV(5) of the treaty;

(c) prepare and make available for flooding the land in Canada required for the purposes of any dam constructed by the United States of America under Article XII of the treaty;

(d) not make and prevent the making of any diversion of water prohibited by Article XIII of the treaty;

(e) carry out or arrange for the carrying out of any variation in operation of any Kootenay river diversion agreed upon pursuant to Article XIII(6) of the treaty;

(f) abide by and carry out or arrange for the carrying out of any decisions made pursuant to Article XVI of the treaty which relate in any way to the obligations of British Columbia under this agreement;

(g) pay to Canada, upon demand therefor, all costs incurred by Canada in connection with proceedings under Article XVI of the treaty which relate in any way to the obligations of British Columbia under this agreement;

(h) carry out or arrange for the carrying out of anything required to be done by Canada under Article XVIII(3) of the treaty;

(i) carry out and give full force and effect to all conditions, provisions, orders and decisions imposed or made by the permanent engineering board established by the treaty; and

(j) generally do all those things which constitutionally it is capable of doing to ensure that Canada is not in default under the treaty and not do and so far as it is constitutionally capable prevent any person from doing anything which Canada has under the treaty undertaken to refrain from doing.

4. (1) It is acknowledged and agreed that Canada has the right and obligation to do all things which the treaty requires Canada to do that British Columbia has not undertaken to do by this agreement.

(2) Notwithstanding subsection (1) of this section Canada shall obtain the concurrence of British Columbia before: