

CANADA

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TREATY SERIES, 1944

No. 13

*The Canadian Ambassador to the United States  
to the Secretary of State of the United States*

EXCHANGE OF NOTES

(May 3, 1944)

BETWEEN

CANADA

AND

THE UNITED STATES OF AMERICA

CONSTITUTING AN AGREEMENT FOR A  
TEMPORARY ADDITIONAL DIVERSION  
OF WATER AT NIAGARA FOR  
POWER PURPOSES



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CANADA

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**SUMMARY**

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CANADA

I

The Canadian Ambassador to the United States  
to the Secretary of State of the United States

CANADIAN EMBASSY

Washington, May 3, 1944.

EXCHANGE OF NOTES (MAY 3, 1944) BETWEEN CANADA AND THE  
UNITED STATES OF AMERICA CONSTITUTING AN AGREEMENT  
FOR A TEMPORARY ADDITIONAL DIVERSION OF WATER AT  
NIAGARA FOR POWER PURPOSES

Sir:

I have the honour to refer to the exchanges of notes of May 20, 1941,\* and of October 27 and November 27, 1941,\*\* regarding emergency diversions of water for power purposes at Niagara.

As you know, officials of the two countries have worked in close co-operation to make the maximum use for war purposes of facilities in both countries for the production of water power. It has recently been found that there are existing facilities on the Canadian side of the Niagara River to use an additional 4,000 cubic feet of water per second. In view of the continuing need for additional power in the Niagara Falls area for war purposes, the Canadian Government hopes that the United States Government will raise no objection to the additional diversion for power purposes of 4,000 cubic feet per second, in terms of the daily aggregate, through existing facilities, on the Canadian side of the Niagara River above the Falls.

This additional diversion of Niagara water would be subject to the following conditions:

(a) It would terminate upon the conclusion of hostilities unless terminated earlier by agreements;

(b) It would be reviewed periodically, as are the arrangements effected by the exchanges of notes referred to above; and

(c) Most of the additional energy, estimated at 620,000 k.w.h. per day, would be made available for utilization in the United States under existing arrangements.

The Canadian Government also proposes that the engineers of Canada and the United States be instructed to take all feasible steps to minimize the effect of this diversion upon the scenic beauty of Niagara Falls.

Accept, Sir, the renewed assurance of my highest consideration.

LEIGHTON McCARTHY

\*For the text of the Notes of May 20, 1941, see *Canada Treaty Series*, 1941, No. 7.

\*\*For the text of the Notes of October 27 and November 27, 1941, see *Canada Treaty Series*, 1941, No. 15.



EXCHANGE OF NOTES (MAY 3, 1944) BETWEEN CANADA AND THE UNITED STATES OF AMERICA CONSTITUTING AN AGREEMENT FOR A TEMPORARY ADDITIONAL DIVERSION OF WATER AT NIAGARA

II  
The Secretary of State of the United States  
to the Canadian Ambassador

DEPARTMENT OF STATE

Washington, May 3, 1944.

Excclency:

I have the honour to inform you that the American Government concurs in the proposals set forth in your note of May 3, 1944, and that it will raise no objection to the additional diversion of 4,000 cubic feet of water per second on the Canadian side of the Niagara River under the conditions stated in your note. It likewise agrees that the engineers of the two countries should be instructed to take all feasible steps to minimize the effect of this wartime diversion upon the scenic beauty of Niagara Falls.

Your note and this reply thereto, when approved by the Senate, shall be regarded as placing on record the understanding arrived at between the two Governments concerning this matter.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL

- (a) It would terminate upon the conclusion of hostilities unless terminated earlier by agreement;
  - (b) It would be reviewed periodically, as are the arrangements effected by the exchanges of notes referred to above; and
  - (c) Most of the additional energy, estimated at 820,000 k.w.h. per day, would be made available for utilization in the United States under existing arrangements.
- The Canadian Government also proposes that the engineers of Canada and the United States be instructed to take all feasible steps to minimize the effect of this diversion upon the scenic beauty of Niagara Falls.
- Accept, Sir, the renewed assurance of my highest consideration.

LEIGHTON McARTHUR

\*For the text of the Notes of May 30, 1944, see Canada Treaty Series 1944, No. 7.  
\*For the text of the Notes of October 27 and November 27, 1941, see Canada Treaty Series 1941, No. 13.