

## SCHEDULE

MEMORANDUM OF AGREEMENT, made this 19th day of April, 1948.

BETWEEN:

THE GOVERNMENT OF THE DOMINION OF CANADA, represented herein by the Honourable James Angus MacKinnon, Acting Minister of Mines and Resources,  
OF THE FIRST PART;

- and -

THE GOVERNMENT OF THE PROVINCE OF MANITOBA, represented herein by the Honourable John Stewart McDiarmid, Minister of Mines and Natural Resources,  
OF THE SECOND PART.

WHEREAS the agreement entered into between the parties hereto on the 14th day of December, 1929 (hereinafter referred to as the Natural Resources Transfer Agreement) was duly approved by the Parliament of Canada and the Legislature of the Province, and upon an address to His Majesty from the Senate and House of Commons of Canada, was confirmed and declared to have the force of law by an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland entitled "The British North America Act, 1930", assented to on 10th July, 1930, being chapter twenty-six of the Imperial Statutes, 20-21 George V;

AND WHEREAS by paragraph twenty-four of the said Natural Resources Transfer Agreement it was agreed that the provisions of the said agreement might be varied by an agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province;

AND WHEREAS the said Natural Resources Transfer Agreement came into force pursuant to the provisions thereof, on the 15th day of July, 1930;

AND WHEREAS the provisions of the said Natural Resources Transfer Agreement were, pursuant to the provisions of said paragraph twenty-four thereof, varied by an agreement made between the Government of Canada of the first part and the Government of the Province of Manitoba of the second part, on the 5th day of March, 1938, and confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province;

AND WHEREAS by paragraph two of the Natural Resources Transfer Agreement, the Province agreed that it would carry out, in accordance with the terms thereof every contract to purchase or lease any Crown lands, mines or minerals and every other arrangement whereby any person had become entitled to any interest therein as against the Crown, and further agreed not to affect or alter any term of any such contract to purchase, lease or other arrangement by legislation or otherwise, except either with the consent of all the parties thereto, other than Canada, or in so far as any legislation may apply generally to all similar agreements relating to lands, mines or minerals in the Province or to interests therein, irrespective of who might be the parties thereto;

AND WHEREAS it has been agreed between Canada and the said Province that the terms of said paragraph two should be further varied as herein set out;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT:

1. Paragraph two of the said Natural Resources Transfer Agreement is varied by adding at the end thereof, the following words:

"or except in so far as any legislation

(a) is legislation relating to the control and regulation of the generation, development, transformation, transmission, utilization, distribution, supply, delivery, dealing in, sale and use of electrical power and energy in Manitoba, and of the flow and right to the use, for the generation and development of such power and energy, or any other purpose connected therewith, of the water at any time in any river, stream, watercourse, lake, creek, spring, ravine, canyon, lagoon, swamp, marsh or other body of water within the Province and the taking, diversion, storage or pondage of such water for any of the said purposes, whether by restriction, prohibition or otherwise and whether generally or with respect to any specified area therein;

or

(b) is legislation providing for the taking, acquisition and purchase by agreement or compulsorily or otherwise or by expropriation of any indentures, agreements, arrangements, permits, interim permits, final licenses, licenses, interim licenses, leases, interim leases, rights, liberties, privileges, easements, benefits, advantages or other concessions of any person of whatever nature, in relation to the flow and right to the use of the said water or the taking, diversion, storage or pondage thereof for the generation and development of electric power and energy, the utilization, transmission, distribution and sale of such power and energy, the occupation and use of Crown lands of the Province for the maintenance and operation of hydro-electric and other works of any person and any other rights, liberties, privileges, easements, benefits, advantages and concessions connected therewith or incidental or appurtenant thereto;

or

(c) is legislation providing for the taking, acquisition and purchase by agreement or compulsorily or otherwise or by expropriation of any property, works, plant, lands, easements, rights, privileges, machinery, installations, materials, devices, fittings, apparatus, appliances and equipment of any person constructed, acquired or used in the generation, development or transmission of such power and energy or in the taking, use, diversion, storage or pondage of said water, and whether generally in the said Province or in any specified area therein".

2. This agreement is made subject to its being confirmed by the Parliament of Canada and by the Legislature of the Province of Manitoba, and shall take effect on the first day of the calendar month beginning next after its confirmation as aforesaid whichever approval, that of the Parliament of Canada or that of the Legislature of the Province, shall be later in date.

IN WITNESS WHEREOF the Honourable James Angus MacKinnon, Acting Minister of Mines and Resources, has hereunto set his hand on behalf of the Dominion of Canada; and the Honourable John Stewart McDiarmid, Minister of Mines and Natural Resources, has hereunto set his hand on behalf of the Province of Manitoba.

Signed on behalf of the Government of )  
Canada by the Honourable James )  
Angus MacKinnon, Acting Minister ) JAS. A. MacKINNON  
of Mines and Resources, )  
in the presence of: )  
A. C. L. ADAMS )

Signed on behalf of the Government of )  
Manitoba by the Honourable John )  
Stewart McDiarmid, Minister of ) J. S. McDIARMID  
Mines and Natural Resources, )  
in the presence of: )  
D. M. STEPHENS )