

INDIAN COMMISSIONER
BRITISH COLUMBIA



CANADA

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

IN YOUR REPLY REFER TO
No. 164/31-3-7
ALSO TO DATE OF THIS LETTER

0210574

2705829

P.O. BOX 70,
VANCOUVER, B.C.

January 20, 1956

Lands Branch,
Dept. of Lands & Forests,
Parliament Buildings,
Victoria, B.C.

Dear Sirs:

Re: Arrow Lake Indian Reserve.

Title to the above noted reserve was obtained under Provincial Order-in-Council No. 1036, dated July 29, 1938, which contains certain conditions and particularly contains the following condition;

"subject to the condition that in the event of any Indian tribe or band in British Columbia at some future time becoming extinct that any lands hereby conveyed for such tribes or band, and not sold or disposed of as heretofore provided, or any unexpended fund being the proceeds of any such sale shall be conveyed or repaid to the grantor"

We are satisfied that this Band has become extinct and I am now enclosing herewith two copies of Order-in-Council No. 1956-3, dated January 5, 1956, which transfers the remaining portion of this reserve to the Province and authorizes payment of the unexpended monies received from the sale of reserve lands, namely \$59.50. You will note that the \$59.50 was derived from a sale of a portion of the reserve to the Province for road purposes, and in effect, therefore, the Province

CREATED
LAND SALES
DEPOSIT ACCT.

RECEIVED FEB 7 1956

59.50

RECEIVED
INDIAN AFFAIRS
VANCOUVER
JAN 24 1956

- 2 -

now has the entire reserve, and also the money received for the road.

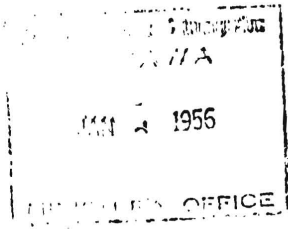
In addition to the sale of the road an easement was granted to the British Columbia Power Commission for a power line right-of-way, and the reserve lands are transferred subject to the easement for this power line.

2705829

Yours very truly,

W.S. Arneil,
Indian Commissioner for B.C.

.bl
encl.



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AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 5th day of JANUARY, 1956.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS title to Arrow Lake Indian Reserve in the Province of British Columbia is vested in Her Majesty the Queen in right of Canada by virtue of Minute 1036 of the Executive Council of the Province of British Columbia dated 29th July, 1938, subject to the following provisions:

" that in the event of any Indian tribe or Band in British Columbia at some future time becoming extinct, any lands hereby conveyed for such tribe or Band, and not sold or disposed of as heretofore provided, or any unexpended fund being the proceeds of any such sale, shall be conveyed or repaid to the grantor ...".

AND WHEREAS the Minister of Citizenship and Immigration reports that the Arrow Lake Band of Indians for whose use and benefit the said Reserve was set aside has become extinct the last member, Mrs. Annie Joseph, having died on October 1st, 1953;

That a portion of the said Reserve containing 11.9 acres was sold to the Province of British Columbia for road purposes in 1943 and was transferred to the Province by Order in Council P.C. 4866 dated June 15th, 1943, in consideration of a sum of \$59.50 and that the said sum of \$59.50 has not been expended;

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Citizenship and Immigration and pursuant to the said Minute of Executive Council of the Province of British Columbia, the Indian Act, is pleased, hereby, to transfer the management and administration of the unsold portion of Arrow Lake Reserve as hereinafter described to Her Majesty the Queen in right of the Province of British Columbia and to direct that the said sum of \$59.50 be paid to said Province:

2....

Description

6

The whole of Arrow Lake Indian Reserve in the province of British Columbia being the lands set out for said Reserve in the schedule attached to British Columbia Order in Council No. 1036 dated the 29th day of July, A.D. 1938 and described in said schedule as Nelson District, on the west shore of Lower Arrow Lake about five miles below Burton City, West Kootenay District.

Saving and excepting thereout and therefrom all that portion of said Reserve, Nelson District, Province of British Columbia, required as a right-of-way for the Needles-Arrow Park road, as the said right-of-way is shown coloured red upon a plan of same, surveyed by J.D. Anderson, British Columbia Land Surveyor, and of record number Rd. two thousand six hundred and eighty-eight in the Indian Affairs survey records, Department of Mines and Resources, Ottawa; the remainder containing by admeasurement two hundred and forty-three acres and one tenth of an acre, more or less.

Subject to an easement granted British Columbia Power Commission for electric power line purposes as shown on Plan M. 3819 of record in the Indian Affairs survey records at Ottawa.

Certified to be a true copy.

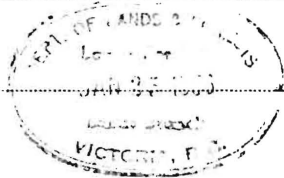


Clerk of the Privy Council.

File No. **0210574**

SUBJECT **ARROW LAKES INDIAN RESERVES**

KTY DIST.



, 19

NAME

SUBJECT

CROSS REFERENCES

Entered in Reg.	<i>W.R.</i>
Entered on Map	<i>W.R.</i>

Department of Lands and Forests

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February 7, 1956.

Mr. W. S. Arncil,
Indian Commissioner for B.C.
Department of Citizenship & Immigration,
Indian Affairs Branch,
P.O.Box 70,
VANCOUVER, B.C.

Your reference: 164/31-3-7.

Dear Sir: Please refer to our File #0210574.
 Attn: Superintendent of Lands.

I have to acknowledge receipt of your letter of the 20th ult., enclosing two copies of Order-in-Council No.1956-3 dated January 5, 1956, which transfers the remaining portion of Arrow Lake Indian Reserve to the Province and authorizes payment of the unexpended monies received from the sale of reserve lands, namely, \$59.50, the receipt of which sum is hereby acknowledged.

It is noted in this connection that the reserve lands are transferred subject to the easement for the British Columbia Power Commission power-line right-of-way.

Yours truly,



R. E. BURNS,
Superintendent of Lands.

REB:PMB.

*Noted on 1/11/56
I.D. back & Official plan
of 11.
MB 20-2-56*



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PROVINCE OF BRITISH COLUMBIA

N^o 72164 N

GENERAL RECEIPT

0210574

Feb 7, 1956

RECEIVED from Indian Commissioner for BC Department of Citizenship & Immigration

the sum of Fifty nine ⁵⁰/₁₀₀ dollars (\$59⁵⁰)

on account of Indian Reserve Arrows have returned back to Province obtained under O.C. 1036 - 29/7/38 - Govt of Canada
O.C. PC. 1956-2. 5 Jan 1956

Issuing Office

Per

Chief Accountant Lands Service Victoria, B. C. <i>[Signature]</i> per <i>[Signature]</i> Authorized Signing Officer.

INDIAN AFFAIRS BRANCH

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION



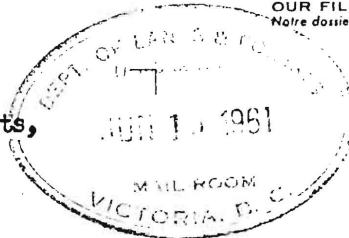
DIRECTION DES AFFAIRES INDIENNES

MINISTÈRE DE LA CITOYENNETÉ ET DE L'IMMIGRATION

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164/30-7
208/8-14

OUR FILE NO.
Notre dossier n°



Dept. of Lands & Forests,
Parliament Buildings,
Victoria, B.C.

P.O. Box 70,
Postal Station "A",
Vancouver 2, B.C.

June 13, 1961

2988760

Dear Sirs:

Re: Arrow Lake Indian Reserve -
High Arrow Project - Columbia
River Power Development.

You will recall that by Order-in-Council P.C. 1956 - 3 dated January 5, 1956 the above-noted Indian Reserve was transferred to the Province of British Columbia.

This particular Reserve was located on the west bank of Lower Arrow Lake, about 2½ miles upstream from the Whatshan Power Station.

It now appears that no provision was made with the Province for the maintenance of any existing cemetery or graveyard, and as we know that the Band has become extinct, it is reasonable to assume the deceased Indians are all buried in that locality, likely on what was Indian Reserve property. May we have an assurance that any graveyards on the former Reserve property will be maintained and protected. There is a distinct possibility that such graveyards, if any, will be flooded should the High Arrow Project materialize.

For information purposes, Dr. Borden, Professor of

*Partly within 1960 contour reserve
0229802*

..... 2

- 2 -

Archaeology at the University of British Columbia, is interested in the area.

Yours very truly,

W.J. McGregor
W.J. McGregor,
A/Indian Commissioner for B.C.

+bb

LANDS BRANCH
MEMORANDUM

FILE

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TO: Mr Torrance

SUBJECT: Former Arrow Lake I.R.
and Indian Graves

1. See L.I. 2988760 re Indian Graves.
2. If adequate metes and bounds descriptions are provided it will not be difficult for us to reserve the cemetery sites as provided for by Section 89 of the Land Act (RSBC 1960)
3. Such a reserve will give adequate protection to ensure that the cemeteries are not alienated however I do not think that we are in a position to actually maintain the cemeteries - no funds are available in our vote for that purpose.
4. With respect to the possibility of flooding the cemeteries - do you think that the hydro authority concerned would re-locate the graves if necessary?

LB 12/6/67

Mr Torrance

Please discuss with me - suggest we agree to place reserves and following that we can only undertake CB to advise B.C.P. Commission accordingly.

PROVINCE OF
BRITISH COLUMBIA.

LANDS SERVICE

DEPARTMENT OF
LANDS AND FORESTS.

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File No. 0210574

Date August 23, 1961

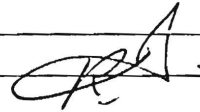
Subject _____

Attention of

Mr. D. Borthwick,
Ass't Superintendent
of Lands.

Remarks Reference your memorandum re L.I. 2988760. See notation
by Deputy Minister at foot of page.

Upon receipt of advice as to the location of the graveyards,
the Department is prepared to note its records accordingly and to
advise the B. C. Power Commission of the existence of such graveyards.
However, subsequent action in the event of flooding would appear to
be a matter for the attention of the developing authority.



R. Torrance,
Ass't Deputy Minister.

RT:RD

Signature _____

INDIAN AFFAIRS BRANCH

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION



DIRECTION DES AFFAIRES INDIENNES

MINISTÈRE DE LA CITOYENNETÉ ET DE L'IMMIGRATION



23

OUR FILE NO. 208/8-4
Notre dossier n° 0210 574
Your file: 0210504
Attn: Reserves

C.T.W. Hyslop, Esq.,
Superintendent of Lands,
Dept. of Lands & Forests,
Victoria, B.C.

P.O. Box 70,
Postal Station "A",
Vancouver 2, B.C.

February 26, 1962



Dear Sir:

3043380

On receipt of your letter of November 8, 1961, we contacted our Superintendent Anderson at Cranbrook, regarding the location of the graves on the former Arrow Lake Indian Reserve.

Superintendent Anderson has now advised that no Indians have lived on the area for years and he was unable to locate anyone who could advise him as to the location of the graves.

Your plan is returned herewith.

Yours very truly,

J.V. Boys,
Indian Commissioner for B.C.

WJM/bb
encl

Mr. Hutchinson

Suggest you check report of Commissioner re Indian Reserves - This may give you some indication as to grave.

Map plan in King's Park

Vol 1 and 2 checked no specific mention made re graves in Arrow Lake Res. However on page 19, Vol. 1, last para cemeteries are mentioned generally

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VICTORIA, B. C.
VBV IX5

THE GOVERNMENT OF
THE PROVINCE OF BRITISH COLUMBIA
DEPARTMENT OF ENVIRONMENT
OFFICE OF THE DEPUTY MINISTER

August 23, 1977

File: 0210574

File Memorandum:

Re: Indian Graves -
Arrow Lake Indian Reserve

1. This reserve reverted and was transferred to the Province by P.C. 3, January 5, 1956.
2. Mr. Art Nelson, Government Agent at Vernon phoned and advised that a group of Indians visited his office to complain that the waters of Arrow Dam have eroded the old cemetery and the bones are being washed into the lake. They have requested permission to re-inter the bones on higher ground of the old Indian Reserve.
3. I granted permission for Mr. Nelson to allow the Indians to so proceed. In fact it merely permits the transfer of the bones from one part of the old Indian Reserve to higher ground on the same Indian Reserve.

D. Borthwick

D. Borthwick,
Assistant Deputy Minister
i/c Special Projects.

Approved 18th November 1902

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sig:

M. J. Gore

Deputy Commr. of Lands & Works

sig:

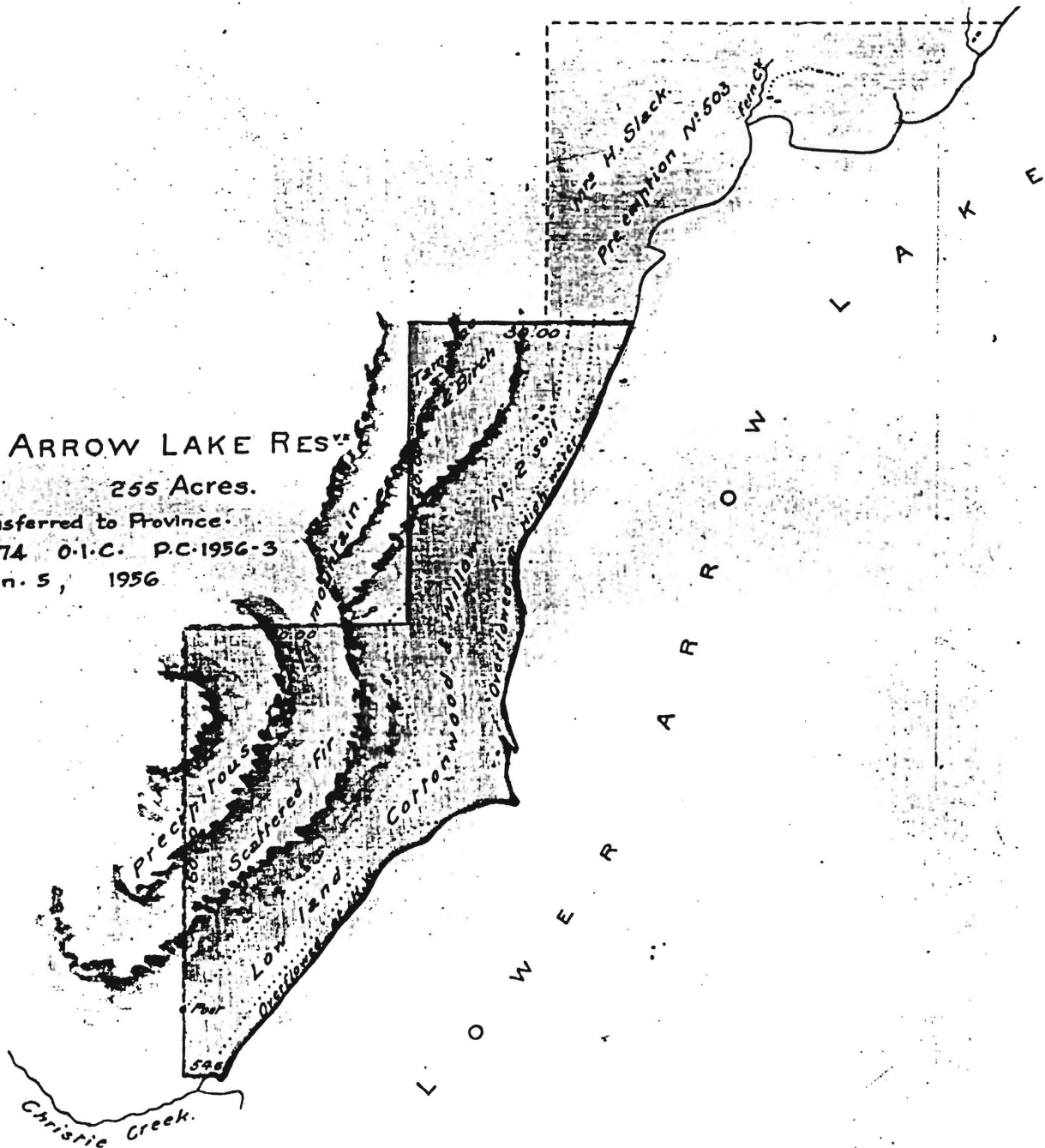
A. J. Rowell

S. R. C.

ARROW LAKE RES.

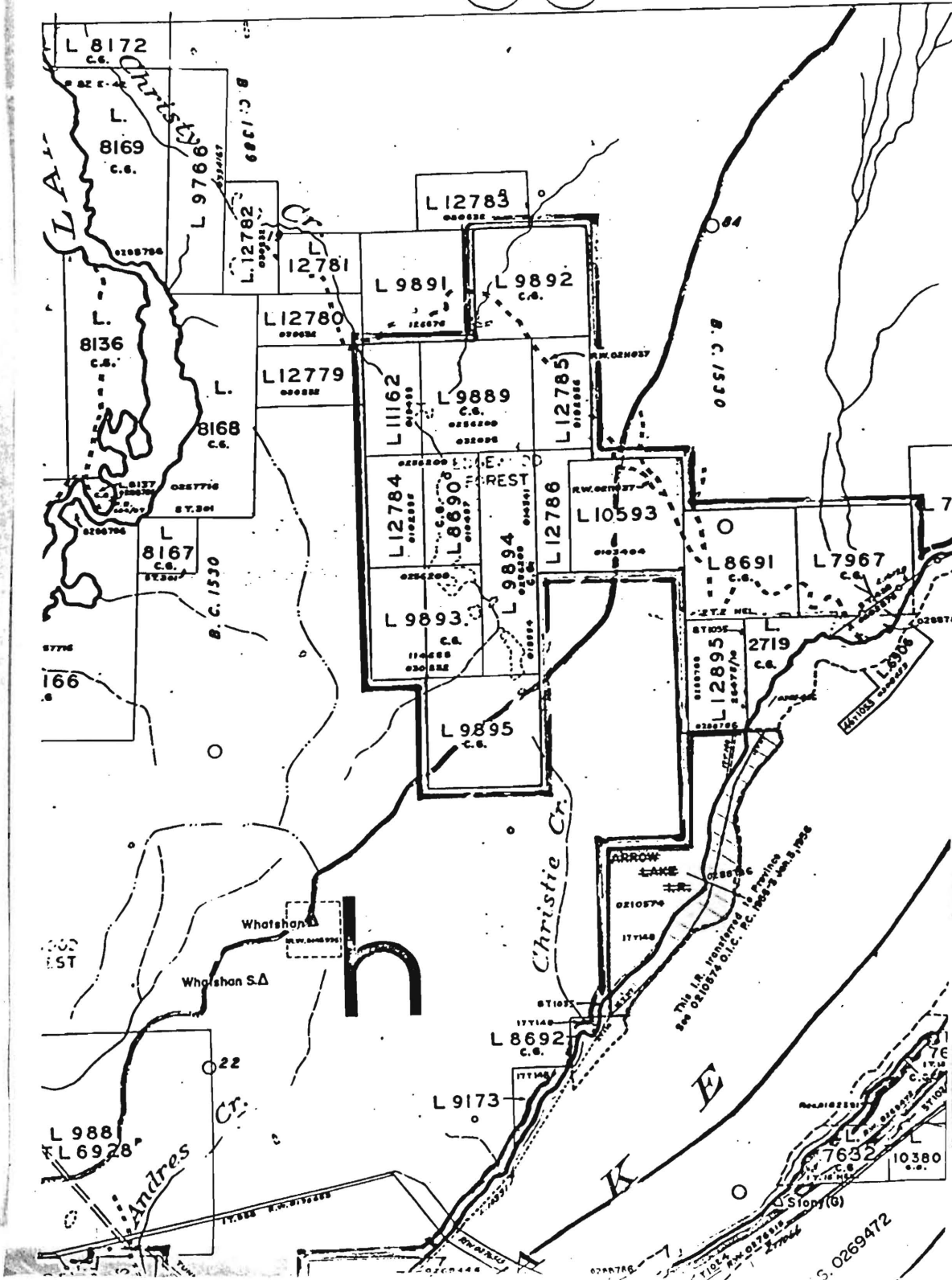
255 Acres.

This I.R. transferred to Province.
See 0210574 O.I.C. P.C. 1956-3
Jan. 5, 1956



EX 82 E/NE
 SOURCE MANAGEMENT REGION
 ASSESSMENT DISTRICT
 REGISTRATION DISTRICT

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June 22, 1979.

File 0210574
Your file 78/1202

Ratcliff and Company,
Barristers and Solicitors,
103 - 133 West 15th Street,
North Vancouver, B. C.
V7M 1R8

Attention: Mr. Harry A. Slade.

Dear Sirs:

Mr. David Borthwick has asked me to reply to your letter of May 24, 1979, relative to the former Arrow Lake Indian Reserve which was returned to the Province pursuant to P.C. Order 1956-3 as a result of the Arrow Lake Indian Band becoming extinct.

Enclosed is a print showing outlined in red the boundaries of the former reserve. The area shown hachured in red is now flooded as a consequence of the Arrow Lake hydro project. There is, therefore, only a portion of the former reserve which remains as usable land.

It is noted that you are representing the Okanagan Indian Band in a claim to the Federal Government to have the former reserve established as an Indian Reserve for that Band. In view of this we will withhold any disposal or dealing with respect to title to that portion of the former reserve which is not flooded pending resolution of the claim which you state is now before the Federal Government.

Yours truly,


W. C. Fry,
Administrative Officer,
Special Projects.

WCF:jm
Enclosure
cc: R. Exell
R. Bose, R.L.M., Nelson
Forester i/c, Admin. Div.

p.s. to Forester i/c: It will be appreciated if you will withhold the issuance of any Timber Sales or SUPs over the area concerned until this claim is resolved. The area is within the Edgewood Provincial Forest Reserve. WCF

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August 14, 1979.

Our file 0210574
Your file 78/1202

Ratcliff and Company,
Barristers and Solicitors,
#103 - 133 West 15th Street,
North Vancouver, B. C.
V7M 1R8

Attention: Mr. Harry A. Slade.

Dear Sirs:

Reference is made to your letter of July 9, 1979, relative to the former Arrow Lakes Indian Reserve and my previous letter of June 22, 1979, agreeing to withhold any disposal of the area pending resolution of claims submitted to the Federal Government.

It is noted that the Office of Native Claims has rejected the claim submitted by you but that you intend to pursue the matter further, possibly through legal action.

Under the circumstances, it is confirmed that the position set forth in my letter of June 22, 1979, will be maintained for a further period of six months from this date. Upon expiry of the six month period, a further extension of time will be considered on the basis of the standing of the land claim as it exists at that time.

Yours truly,



W. C. Fry,
Administrative Officer,
Special Projects.

WCF:jm
cc: R. Exell,
R. Bose, RLM, Nelson
Forester i/c, Admin. Div.,
B.C.F.S., - Attention
R.D. Miller (Your files
920-3-47, 920-5-66)

Slade 14/3/80



MEMORANDUM

Mr. Dave Borthwick
Assistant Deputy Minister
i/c Special Projects
Ministry of Lands, Parks
and Housing
Buildings

Date: August 15, 1979

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On June 22 Bill Fry wrote to Harry Slade, counsel for the Okanagan Indian Band, advising Mr. Slade that the Province would withhold any disposal of the former Arrow Lake Indian reserve in view of the Okanagan Band's claim to this land.

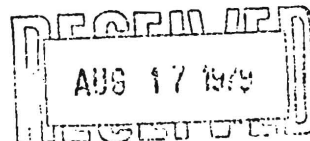
I am now advised by the Office of Native Claims that the Federal Government has rejected the Okanagan Band's claim. I attach a copy of a letter to me from Mr. G. N. Faulkner stating that Canada feels it has no legal liability.

In light of this I think the position set out by Mr. Fry should not continue unless a suit is filed against Canada by the Okanagan Band.

Robert Exell
Provincial Co-ordinator
Indian Programs

Enclosure

I referred Mr. Exell & advised him of my letter of Aug. 14 which crossed in the mails.



EF 17/8/79

[Last page filmed]

