

DETERMINATION AND ORDER.

(FOR A CONDITIONAL WATER LICENCE FOR **Mining** PURPOSES)

BY THE BOARD OF INVESTIGATION
UNDER THE "WATER ACT," 1914.

In the Matter of the Rights and Claims to the Waters of certain Streams lying in
Kaslo Water District, in the Neighbourhood of
Kaslo, B.C.

NOW, on this **14th** day of **June**, 1915, the above-entitled matter coming on regularly for final hearing before the Board of Investigation; notice of the intention to investigate all and every the said Rights and claims having been given by the Board as required by the "Water Act, 1914"; all persons having claims to water on the said streams or in the said locality having been directed to file their claims with the Board; due notice having been given of the times and places of preliminary and final hearings respectively in the above-entitled matter; all and every the steps required under the Act to be taken by the Board before a determination of the said rights and claims should be made having been taken; all evidence, testimony, and proofs filed with the Board or presented in the above-entitled matter having been duly considered; a quorum of the Board being present at this hearing; and the Board being now fully advised in the premises, determines with respect to the claim of **D.H.Nellis**

the said claim being on file and numbered **39-3-12**

1. That a valid record affecting the said claim was made under the authority of an Act passed prior to the 12th day of March, 1909, and that under the said record the owner of **Lot 746, Group 1, Kootenay District**

was granted a right to take and use water from **Woodberry Creek, a tributary of Kootenay Lake, for a mining purpose.**

2. The Comptroller of Water Rights is hereby directed to issue a conditional licence in respect of the said record and claim embodying the following terms and conditions:—

- (a.) The source of the water supply is **Woodberry Creek, a tributary of Kootenay Lake.**
- (b.) The point of diversion from the stream is located as shown in the exhibit marked "A" hereto attached, which is incorporated herewith and made a part hereof, the original of which exhibit is on file in the office of the Comptroller of Water Rights, Parliament Buildings, Victoria.
- (c.) The date from which the said licence shall take precedence is
9th July 1904
- (d.) The purpose for which the water is to be used is **Mining**
- (e.) The maximum quantity of water which may be used is **Forty-Two (42) cubic feet per second.**
- (f.) The water may be used **at any time of the year**

(g.) The water may be used on **Lot 746, Group 1, Kootenay District**

more particularly shown in the said exhibit "A."

(h.) The works which are required to be constructed before the issue of a final licence are **those necessary for the carriage and distribution of the maximum quantity of water set out in sub clause (e) hereof.**

(i.) The construction of the said works shall be commenced on or before the **first** day of **June 1920**, and shall be prosecuted with due diligence and in a workmanlike manner and to the satisfaction of the Comptroller of Water Rights.

(j.) The said construction shall be completed and the water beneficially used for the purpose set out in this licence on or before the **first** day of **November 1924**

(k.) Before any change is made in the said works which would be a material deviation from the plans as approved or the works as accepted by the Comptroller, plans of such proposed change must be filed with the Comptroller and approved by him.

(l.) The nature and the extent of the incidental use (if any) permitted under the licence are **the development of power and domestic use to the maximum quantity therein set out**

but such use shall not enlarge the quantity of water allowed under item (e) above.

(m.) The Board may extend the time for the commencement, resumption, or completion of the construction of the works on being satisfied that it is in the public interest and that it will not injuriously affect the rights of any licensee

(n.) The licence shall not in any way be deemed to be a final licence for the use of water, but shall have the effect only of a conditional licence issued under Part V. of the "Water Act, 1914," and shall be subject to all the provisions of said Act, including the filing of proof of the completion of the said works and the putting of the water to such beneficial use within the time limited by the provisions of section 117 of the said Act.

3. Pending the issue of the licence hereby authorized to be issued, the terms and conditions of this order shall govern the respective rights of the record-holders or claimants affected thereby.

Made and entered this **9th** day of **July 1919**

THE BOARD OF INVESTIGATION.

By **J. F. D. [Signature]** Chairman.

and **[Signature]** Member.

The time for completion of works as set out in Sub-clause (j) of Clause 2 hereof is hereby extended to the thirty first day of December, 1925.
Dated at Victoria, B.C.
This 16th day of November, 1925.

Members Board of Investigation.

J. F. D. [Signature]

PROVINCE OF
BRITISH COLUMBIA

WATER RIGHTS BRANCH.

DEPARTMENT OF
LANDS.

CONDITIONAL WATER LICENCE.

(For a **Mining** Purpose.)

WHEREAS the Board of Investigation, constituted and acting under the "Water Act, 1914," duly held an investigation respecting the waters set out in the order No. **5617**, a duplicate of which is hereto attached, and in the said order directed the Comptroller of Water Rights to issue a **conditional** licence in respect of the particular record and claim respectively set out therein, and further therein named the terms and conditions to be embodied in the said licence:

NOW, THEREFORE, I, Comptroller of Water Rights of the Province of British Columbia, in pursuance of the said order and in conformity with the "Water Act, 1914," issue this **conditional** licence, and declare the rights in and to the use of the said waters held under the said record in respect of the said claim to be such as are set out in the said order; and the terms and conditions of the said order and any exhibits which are therewith incorporated are hereby incorporated herewith and form a part hereof. This licence is appurtenant to **Lot 746, Group 1, Kootenay District.**

Extension to 31 Dec. 1925.

CANCELLED
See Board Order No. 11072

File Dept 1925

Made and entered this 9th day of July, 1919.

E. Clelland
Comptroller of Water Rights.

“WATER ACT.”
(Section 17.)

CANCELLATION ORDER.

In the Matter of Conditional Water Licence 3994 authorizing
the Diversion of Water out of Woodberry Creek for Mining purposes
on Lot 746, Group 1, Kootenay District.

File No. 38-3-12

BEFORE THE BOARD OF INVESTIGATION.

The Board having found that the licensee under Conditional Water Licence
3994 has for three successive years failed to make beneficial use of the water authorized
to be used under the said licence, and having caused at least thirty days' notice to be given by letter
sent to the licensee at his last-known address of its proposal to cancel the said licence, and cause to the
contrary not having been shown by the licensee.

The Board hereby cancels said Conditional Water Licence 3994

DATED at Victoria, B.C., this 4th day of August, 1926.

BOARD OF INVESTIGATION UNDER “WATER ACT.”

J.E. Lane

Chairman.

J.S.T. Alexander

Member.

Board Order No. 11073

British Columbia.



To accompany

Order

5617

Precinct.

WASLO WATER DISTRICT.

Scale, 20 Chains to 1 Inch.

LEGEND

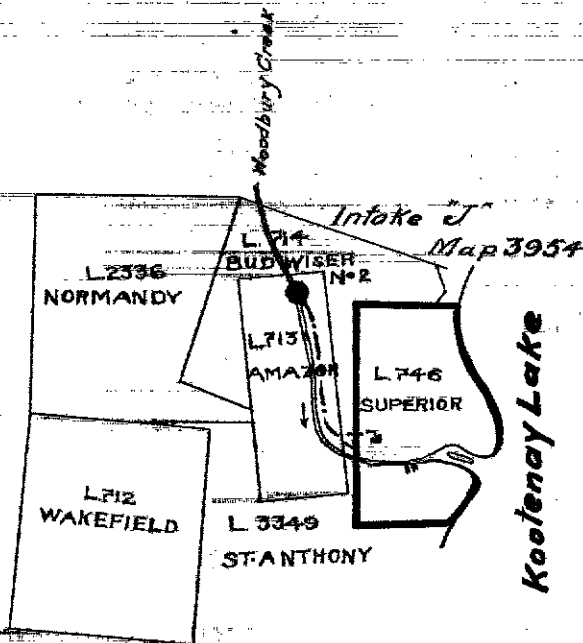
Intake

Flume

Boundaries of
licensees land

N

TRUE NORTH.



~~Description of Works constructed~~
~~Flume or Pipe~~

J. F. Armstrong
B. Alexander

EXHIBIT. "A."

Order No 5617.