

DETERMINATION AND ORDER

(FOR CONDITIONAL WATER LICENCE FOR IRRIGATION 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 the 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 Francis E. Grosvenor

the said claim being on file and numbered 63-3-12

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 Sub-lot 7 of Lot 4595, Group 1, Kootenay District,

was granted a right to take and use water from Hendryx Creek, a tributary of Kootenay Lake

for irrigation and domestic use.

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 Hendryx 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 is attached to the counterfoil of this licence 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 20th February 1909
- (d.) The purpose for which the water is to be used is irrigation.
- (e.) The maximum quantity of water which may be used at the place of use when all the lands mentioned in item (g) hereof are under irrigation is, until lawfully altered, 80 acre-feet per annum; and the maximum quantity which may be used per acre at the said place of use in any year is One (1) acre foot ~~acre-foot~~: Provided that if any records have been issued, or if any other licences have been or may hereafter be issued, for the use of water upon the said lands, the maximum quantity allowed under this licence shall be reduced by such quantities as may from time to time be used upon the said lands under such other records or licences, including the records or licences at present outstanding, namely licences ~~from~~ from Indian Creek

(Stream.)

And provided further that in such cases the Comptroller may, after the requisite hydrographic data has been accumulated for determining the particular quantity of water which may be used under this licence, require the surrender thereof for the purpose of readjustment, and may amend the same by stating therein such particular quantity so determined. The maximum quantity which may be diverted from the stream per annum is One (1) acre foot ~~one~~ per acre of land irrigated and an additional amount for reasonable seepage and evaporation.

And provided further that there may be used in addition Five Hundred (500) gallons of water per day throughout the whole year for domestic purpose as being incidental to the irrigation purpose.

(f.) The period of the year during which the water may be used is 1st April to 30th September

(g.) The area and description of the irrigable lands to which this right may extend on completion of the works and beneficial use of the water in the way of the irrigation of the said lands are 80 acres, comprising part of Sub-lot 7 of Lot 4595, Group 1, Kootenay District.

The extent and location of the said irrigable lands are further shown in the said exhibit "A."

(h.) A concise description of that part of the works which are completed (if any) is given in the said exhibit "A."

(i.) The other terms and conditions respecting the right herein determined are:—

(1.) Works for the diversion and the carriage of the water as set forth in the exhibit marked "B" which is hereto attached and hereby made a part hereof shall be constructed in a workmanlike manner and to the satisfaction of the Comptroller of Water Rights.

(2.) The said construction shall be commenced or resumed on or before the first day of June, 19 20

(3.) The said construction shall be prosecuted with due diligence and to the satisfaction of the Comptroller, and shall be completed on or before the first day of November, 19 24

(4.) The lands described in clause (g) hereof shall have been properly prepared for irrigation and shall have been irrigated beneficially from the said works on or before the first day of November, 19 24

(j.) This 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; Provided that the Board may extend the time for the commencement or resumption 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.

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. E. Verduyn, Chairman.
and B. Alexander, Member.

Order No. 5660

ORIGINAL

*The time for completion of works and the irrigation of the whole of the lands as set out in Sub-clauses 3 and 4 of Clause (c) hereof is hereby extended to the first day of November, 1925.
Dated at Victoria, B.C.
This 1st day of November, 1924.
J. E. Verduyn
B. Alexander
Members, Board of Investigation.*

PROVINCE OF
BRITISH COLUMBIA.

WATER RIGHTS BRANCH.

DEPARTMENT OF
LANDS.

CONDITIONAL WATER LICENCE.

(For a n Irrigation 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. 5660, 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:

CANCELLED
See Board Order No. 11245

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 Sub-lot 7 of Lot 4595, Group 1, Kootenay District.

Extension to 1st Nov. 1925.

File 194

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

E. Hamilton
Comptroller of Water Rights.

PROVINCE OF
BRITISH COLUMBIA.

WATER RIGHTS BRANCH.

DEPARTMENT OF
LANDS.

"WATER ACT."
(Section 17.)

CANCELLATION ORDER.

In the Matter of Conditional Water Licence 3999 authorizing
the Diversion of Water out of Hendryx Creek for Irrigation purpose
on part of Sublot 7 of Lot 4595, Group 1, Kootenay District.

File No. 63-3-12.

BEFORE THE BOARD OF INVESTIGATION.

The Board having found that the licensee under Conditional Water Licence
3999 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 3999.

DATED at Victoria, B.C., this 25th day of May, 192 7

BOARD OF INVESTIGATION UNDER "WATER ACT."

J. E. Lane

Chairman.

B. T. Alexander

Member.

PROVINCE OF
BRITISH COLUMBIA.

WATER RIGHTS BRANCH.

DEPARTMENT OF
LANDS.

EXHIBIT "B."

(Forming part of an Order of the Board numbered as noted at the foot of this sheet.)

The works which are required to be completed before the issue of a final licence are as follows:—

The clearing, stumping and levelling of the irrigable land to which the licence is appurtenant and the works necessary for conducting the water thereto.

BOARD OF INVESTIGATION.

By J. F. Drummond, Chairman,

and B. Alexander, Member.

Board Order No. 5660

British Columbia.

THE GOVERNMENT OF THE PROVINCE OF BRITISH COLUMBIA.

To accompany

Order 5660

Precinct.

KASLO WATER DISTRICT.



Scale, 20 Chains to 1 Inch.

LEGEND

Intake ●

Ditch - - -

Boundaries of licensees land ———

Irrigable land (Not Irrigated)  (Irrigated) 

SL.1

SL.72

N

TRUE NORTH

Kootenay Lake

RIONDEL
Galena Bay

Road

Handryx
Intake "C"
Map 3957

SL.8

Creek

L.4595

SL.25

SL.35

SL.7

SL.118

Description of Works constructed
Ditch.

J. F. Sprimont
B. Alexander

EXHIBIT "A"

Order No 5660.

68-3-12