



# Province of British Columbia

## Water Act

---

### ORDER SECTION 38

File No. 4004392

In the matter of Conditional Water Licence (CWL) 117086 and Permit over Crown Land No. 24397, issued by the Assistant Regional Water Manager on June 16, 2003 to authorize the diversion of water from King Creek for use within District Lot 7028, Kootenay District.

WHEREAS, in the absence of sufficient flow data for King Creek, the decision to grant CWL 117086 was subject to the cancellation existing rights on King Creek held under CWL 67678, thereby allowing for the reallocation of water under licence to another person; and

WHEREAS CWL 67678 was cancelled by an Order dated June 16, 2003, for the licensees failure for 3 successive years to make beneficial use of the water for the purpose and in the manner authorized under the licence; and

WHEREAS it has been determined that water is being beneficially used as authorized under CWL 67678 and the alleged grounds for cancellation are unsubstantiated; and

WHEREAS I have revoked the Order dated June 16, 2003 that cancelled CWL 67678; and

WHEREAS until data is available proving sufficient flow is available in King Creek to allow granting of additional rights, I consider it necessary to revoke CWL117086, I hereby revoke the Assistant Regional Water Manager's decision of June 16, 2003 that issued CWL 117086 and Permit over Crown Land No. 24397.

The revocation of the decision that issued CWL 117086 and Permit over Crown Land No. 24397 places the application filed on December 13, 2001 by Carson Stroud, into current status.

Dated at Victoria, British Columbia, this 9<sup>th</sup> day of October, 2003.

Glen Davidson, P.Eng.  
Deputy Comptroller of Water Rights



## PERMIT UNDER THE WATER ACT AUTHORIZING THE OCCUPATION OF CROWN LAND

The holder of Conditional Water Licence 117086 whose licence authorizes the diversion and use of water from King Creek, is hereby authorized to occupy Crown land by constructing, maintaining and operating thereon the works authorized under the said licence.

- (a) The Crown land which is authorized to be occupied under this permit is a portion of unsurveyed Crown land, Kootenay District, the location of which is shown approximately on the plan attached to the said water licence.
- (b) The approximate dimensions of the Crown land authorized to be occupied under this permit are 3200 feet (975 metres) in length by 15 feet (4.6 metres) in width for an area of 1.10 acre (0.45 hectare).
- (c) Prior to the cutting, destruction of any timber, necessary to permit construction and maintenance of the said works, the permittee shall apply for and obtain a licence to cut timber from the Ministry of Forests, District Manager. The amount of stumpage, royalty and (or) compensation payable to the Crown in respect of trees, including merchantable or young growth, cut, removed, damaged, or destroyed by the permittee, shall be the sum or sums fixed by the Forest Service of the Province of British Columbia.
- (d) This permit is appurtenant to the land, mine or undertaking to which the aforesaid water licence is appurtenant.
- (e) This permit shall become void if the water licence with respect to which the permit is issued should terminate, be abandoned or cancelled, or amended so as to render this permit unnecessary.
- (f) This permit is issued and accepted on the understanding that the permittee shall indemnify and save harmless the Government of the Province of British Columbia for all loss, damage to works, cost or expense suffered by the permittee by reason of the Crown Land or any portion thereof being submerged or damaged by erosion.
- (g) The holder of this permit shall not be entitled to compensation if the Crown grants permits to other persons to occupy the land affected by this permit.
- (h) In the event of a dispute at any time with respect to the area or boundaries of the land affected by this permit, the holder shall, at his own expense, have the said land surveyed by a duly authorized surveyor.

Ian Johnston

Assistant Regional Water Manager

Southern Service Region – Cranbrook Field Office

Land & Water Management Division

Date Issued: June 16, 2003

File No. 4004392

*Revoked  
Oct 9/03*

Permit No. 24397