



# Province of British Columbia

## *Water Act*

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### ORDER JOINT USE OF WORKS SECTION 33

File No.0368258 & 3003972

WHEREAS the Kelowna View Water Users' Community (KVVUC) is incorporated under the *Water Act* and operates a water system from Okanagan Lake to service its members; and

WHEREAS Richard and Lois Soneff (Soneff's) are the holders of Conditional Water Licence (CWL) 117857 which authorizes the diversion and use of water from Okanagan Lake for domestic purpose within Lot 4, District Lot 3871, Osoyoos Division of Yale District, Plan 17835; except Plans 18666, 21206, and 23715 (hereinafter referred to as "Lot 4"), and

WHEREAS the Soneff's are desirous to connect to the KVVUC water system and become members of the KVVUC; however, have been refused access; and

WHEREAS I am satisfied the capacity of the KVVUC water system is adequate to meet the requirements of the KVVUC and CWL 117857; and

WHEREAS I am satisfied that joint use of works would conserve water and avoid duplication of works;

I HEREBY ORDER the joint use of the KVVUC water system by the KVVUC and the holders of CWL 117857 under the following terms:

1. The parties to which the joint use of works applies are the holders of CWL 117857 and the members of KVVUC.
2. The works to which this Order applies include the pumps in Okanagan Lake, existing 38, 50 & 100 mm mainlines, building containing pressure tanks, electrical service, valves and gauges, operated by the KVVUC and located as shown on D.E. Pilling & Assoc. Ltd. Drawing No. 1593-W1, and any additional or replacement works shared by members of KVVUC.
3. A connection fee of \$3000.00 shall be paid by the holders of CWL 117857 to the KVVUC prior to connection.
4. The holders of CWL 117857 to assume all costs associated with making the connection.
5. A maximum 38mm waterline may service the land to which CWL 117857 is appurtenant, with connection as shown on D.E. Pilling & Assoc. Ltd. Drawing No. 1593-W1.
6. Costs associated with constructing, operating and maintaining works within Lot 4 shall be responsibility of the landowner.
7. The holders of CWL 117857 are authorized to divert and use a maximum 500 gallons a day via the works to which this Order applies.

8. CWL 117857 to be included on Certificate of Incorporation of KVVUC, thereafter the licence being subject to the provisions set out under Sections 52 to 62 of the *Water Act* governing water users' communities and liable for a proportionate share of the debts of the KVVUC.
9. This Order makes no determination regarding ownership of the works described in clause (2). If any portions of those works are proven to be owned by the Soneff's, they shall transfer them to KVVUC upon connection of Lot 4 and inclusion within membership of KVVUC.
10. This Order shall remain in effect until amended or revoked by the Comptroller.
11. This Order is binding on the holders of CWL 117857, their successors and any licences issued in substitution thereof and on the members of KVVUC.
12. The failure of any affected licensees to comply with this Order may result in the suspension or cancellation of their water licence/s.

Dated at Victoria, British Columbia, this 23<sup>rd</sup> day of June, 2004.



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