

Wong, Jane T AGRI:EX

Subject: FW: 181641-Miller Springs Water Bottling Plant Expansion Plans
Attachments: IMG_20150216_0001.pdf

From: Jolly Creek Farm [mailto:jollycreekfarm@gmail.com]
Sent: Tuesday, February 24, 2015 1:09 PM
To: Fry, Colin ALC:EX
Cc: Larson.MLA, Linda LASS:EX; alex.atamanenko@parl.gc.ca; mpendergraft@rdos.bc.ca; Minister, AGRI AGRI:EX; plan@kettleriver.ca; s.22 ddean@rdkb.com; anna.warwick.sears@obwb.ca; smckortoff@osoyoos.ca; GroundWater ENV:EX
Subject: 181641-Miller Springs Water Bottling Plant Expansion Plans

February 24, 2015

Agricultural Land Commission

4940 Canada Way

Burnaby, BC V5G 4K6

Attention: Colin Fry

Dear Mr. Fry:

Re: Application for Expansion of Miller Springs Water Bottling Plant, Bridesville, B.C.

We are writing with regard to an application by Miller Springs Ltd. to expand their water bottling plant and increase the amount of water being extracted. The application was brought by Daniel and Sonya Miller as the owners of the land the plant is situated upon. However, the company that operates the plant has recently been sold to a large international corporation.

The ALC originally granted permission to operate the bottling plant to a local rancher who was running a small operation to supplement farming income. This sale to international investors creates an entirely different situation. While apparently no governmental body has the authority to limit the amount of water extracted by enterprises like the Nestle facility in Hope, BC, we are counting on the ALC to exert its authority over non-agricultural usage of this land in the ALR to prevent a similar situation from developing in Bridesville.

Whatever limitations on quantity of water extracted the ALC sets, we are also concerned that this company, or future purchasers of this company, may fall under the protection of the new Canada-China Foreign Investment Promotion and Protection Agreement (FIPA), NAFTA, or another such trade agreement. These agreements guarantee foreign investors the right to continue extracting the same amount of water even when conditions change and that level is no longer sustainable. Local government, indeed the federal government, loses its power to restrict their operations. An example would be the effect NAFTA has had on Quebec's power to curtail fracking operations, even though these operations are polluting the groundwater.

There is no current scientific study of the hydrology of the area the Miller Spring plant operates in. Anecdotal evidence suggests that in the past 20 years the water table has been dropping anyway, perhaps due to climate change. More recently, at least six landowners have reported dropping levels in their wells, or have had to re-drill their wells.

We believe that irrigating fields with water that falls back upon the land has a different impact on the environment from removing the water from the system completely by putting it in plastic bottles and shipping it overseas. We submit that it is criminally irresponsible to increase the amount of water permanently removed from the area without tying the amount of groundwater removed to the replenishment rate. An independent study must be done to determine how much water, if any, can sustainably be hauled away forever.

In the attached application to the Town of Osoyoos for support to have Fortis bring in 3 phase power to the plant, the company gives information about its expansion plans. This document indicates that the first phase of the project is already proceeding, although the application for expansion has not been approved yet. It states that the Naturo Croup is planning to invest four million dollars in upgrading the plant.

It will take a lot of bottles of water to recoup that investment and make a profit. The 56,000 litres per day being requested does not make sense in light of that large investment. The plant managers have indicated that the facility is now taking 40,000 litres per day, not the 6,250 litres per day set forth in the application. It doesn't make sense that a company would invest 4 million dollars to achieve a capacity of only an additional 16,000 litres per day. It would make more sense to just add another shift to do that. It would appear the plan is to extract much more than that.

The Nestle plant in Hope started out small, and kept growing and growing. Nobody could do anything to stop it. We don't want to see that happen here. The ALC appears to be the only governmental agency with any power to implement a restriction on the amount of water being extracted at the plant in Bridesville. At present, there is no governmental monitoring of the amount of water being extracted, or enforcement of any limits.

The company is also planning to start manufacturing plastic bottles on site. This type of manufacturing is so far outside the parameters of land usage in the ALR that we don't expect it would be approved. However, there are numerous concerns with this activity, including:

- volatile and toxic chemicals are associated with plastics production, what are the plans to contain emissions, spills and solid waste?
- the plant is in a forested area with no fire department, what are the fire suppression plans?
- plastic manufacturing plants smell bad, even if the emissions are not toxic
- the plant is on a septic system. How will waste and cleaning chemicals be managed so they don't end up in the septic system and leach toxins into the soil and groundwater?

Oversight:

- Who is going to monitor the plant to make sure they are operating within any water quotas set, and in an environmentally safe manner? Right now they are proceeding to expand their operations with no oversight or approval.

Trucking:

The plant is accessed from the highway by a narrow, winding country road.

If the plant is unsuccessful in getting 3 phase power installed by Fortis, they intend to use a large diesel generator for power. This will involve trucks full of diesel fuel coming in. The bottle blowing facility will have trucks full of pct plastic forms plus the volatile solvents used to clean the machinery. There is an increased risk of spillage during the transportation, and during transfer from transport to the facility. What is the cleanup plan?

Bottle blowing plants require lots of heat, and it is inefficient to start them and stop them every day. They typically run 24/7 and are very noisy, as well as stinky.

Employment:

The only reason anyone would even consider allowing a foreign owned enterprise to come in and start pumping enormous quantities of groundwater, day in and day out for an unspecified length of time (until it runs out?), is to provide employment to locals. The Fortis application indicates that the bottle blowing facility would require eight people with the appropriate skills to run the plastic blow moulders@ such as millwrights and electronic technicians. These jobs would not be likely to go to locals. They would also add 16 operators, presumably low paid positions which might just as well be filled by foreign temporary workers as locals. We would like some guarantee that the locals presently employed at the plant keep their jobs, and the company will hire 90% Canadians, with preference given to residents within a certain radius of the plant.

Put into context, this issue of foreign corporations raiding water resources for profit is going on all over the world, and especially in places with weak protections, such as British Columbia. Even the new Water Sustainability Act does not look like it will be of much help to communities whose water resources are being pumped and hauled away. The latest news is that water bottling facilities will only pay \$2.25 per million litres - hardly a deterrent to extracting every last drop possible.

In light of the foregoing, we hope the ALC will do as much as it can to protect our watershed from unsustainable activities which could have devastating consequences over time. There should at least be an independent hydrology study done. Any authorization to remove water should be tied to the replenishment rate and continually monitored.

Thank you for your consideration of the above,

s.22

cc: Alex Atamanenko, MP BC Southern Interior

Linda Larson, M.L.A. Boundary-Similkameen

Mark Pendergraft, Regional Director, RDOS

Norm Letnick, Minister of Agriculture

Graham Watt, coordinator of Kettle River Watershed Management Plan

Vicki Gee, Regional Director, RDKB

Donna Dean, RDKB Manager of Planning & Development

Anna Warwick, Okanagan Basin Water Board

Sue McKortoff, Mayor, Town of Osoyoos

BC Ministry of Environment, Water Protection & Sustainability Branch

springs

Miller Springs Limited



RECEIVED

JAN 28 2015

TOWN OF OSOYOOS

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Bridgesville, British Columbia

V0H 1B0 Canada

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www.millersprings.com

The Mayor of Osoyoos

Box 3010

Osoyoos, BC.

V0H 1V0

January 21st, 2015

Dear Sue,

RE: FORTISBC UPGRADE FROM SINGLE PHASE TO THREE PHASE POWER

We are looking for your support in our application to have the power in our area to be upgraded to three phase power. Our letter to FortisBC Inc. is attached with the details.

The lack of three phase power is having a detrimental effect on the economic development in our area and for us as a company, we stand to lose our export markets to our competitors.

We ask you to bring to bear any influence you can to help us achieve our mission of becoming a first class production facility in the interior of British Columbia.

Yours truly,

Trevor Caldecott General Manager

<input checked="" type="checkbox"/> READ	<input checked="" type="checkbox"/> DUES	<input type="checkbox"/> DAW	<input type="checkbox"/> BFO
<input type="checkbox"/> MAYOR	<input type="checkbox"/> DMS	<input type="checkbox"/> DMSLS	<input type="checkbox"/> ALL STAFF
<input type="checkbox"/> COUNCIL	<input type="checkbox"/> DMSLS	<input type="checkbox"/> COM	<input type="checkbox"/> _____

FILE ☐ _____ ACTION _____

☐ AGENDA ☐ INFO ONLY ☐ CONFIDENTIAL

ACTION Feb. 16 - COW meeting -

RECEIVED

JAN 28 2015

TOWN OF BRIDGESVILLE

Miller Springs

Miller Springs Limited



6000 Highway 1, Bridesville, Ontario
Bridesville, Ontario
V0G 1M0
Telephone toll free 1-877-312-0120 (toll free 1-877-312-0120)
Telephone 250-446-2120
Fax 250-446-2120

☐ AGO ☐ JUCS ☐ NEW ☐ REG
☐ COUNCIL ☐ DEPT'S ☐ UNCLS ☐ ALL STAFF
☐ COUNCIL ☐ DEPT'S ☐ COM ☐

FortisBC Inc.

Distribution Projects

2850 Benvoulin Road

Kelowna, BC V1W 2E3.

FILE: _____ ALSO: _____ January 20th, 2015

☐ AGENDA ☐ INFO ONLY ☐ CONFIDENTIAL

SUBJECT:

Reference No. 2517046

Dear Sir,

RE: FortisBC Upgrade from Single Phase to Three Phase Power

Several years have passed since we last enquired about the upgrade to three phase power in our area. At previous discussions it was stated that the upgrade would be done within the next five years. It is now seven years later and no upgrade has happened. In your "2009 System Development Plan Update" a 25KV TIE to Anarchist/Bridesville was scheduled for >2010.

We at Miller Springs Ltd have been fortunate to attract new investment into the company and the investors' vision is to upgrade our facility into a first class bottling factory that exceeds all international production standards. The Naturo Group, who owns and markets products under the "Trace" brand name, has already injected \$700,000.00 into the company of which over \$200,000.00 has already been spent on completing the first building phase of our project. In 2015, The Naturo Group will invest a further \$1.3 million on a new bottling line and upgrading our facility. In the next five years it is planned that a further \$2 million will be spent on the second phase.

We are presently finishing the first phase of our expansion project which includes the purchase of the new bottling line. This new line will require us to expand our air compressors as well as draw more power for the new shrink labelling equipment. Without the three phase power, a bigger generator will be required by the plant.

The second phase of our expansion will see the introduction of plastic blow moulding machines to blow our bottle requirements needed for production. This expansion would not only decrease our manufacturing cost through the saving on transport but also decrease the vehicle traffic into the plant reducing our environmental footprint. A second line of the latest technology will also be installed if the projected sales volumes are achieved. Once again our power requirement will increase to 1097 kilowatts.



We will be investing in people with the appropriate skills to run the plastic blow moulders, as well as maintenance crews to provide preventive maintenance programmes for all the equipment in the plant. These maintenance programmes would involve millwrights, electricians and electronic technicians with a staffing requirement of eight people. The production operating staff complement would also be increased by sixteen operators.

We are of the opinion that to continue to run a first class facility on generator power would in the long term not be feasible due to its inefficiency and would have a detrimental effect on the environment in terms of noise and exhaust emissions. The electronic controls used on modern bottling lines also require clean power to operate. Without the proper power source our expansion in the area will be much slower and export markets will be seized by competitors in the bottled water business and the opportunity to economically develop the BC interior would be lost.

We look forward to your positive review of upgrading your service in our area as soon as possible.

Yours truly

Trevor Caldecott
General Manager

cc. The Minister of Agriculture, the Honourable Norm Letnick.
Member of Parliament British Columbia Southern Interior, Alex Atamanenko.
The Regional Director of the Kootney Boundary Area, Mrs Vicki Gee.
The Mayor of Osoyoos, Mrs Sue McKortoff

Wong, Jane T AGRI:EX

Subject:

FW: 181762-Miller Springs - Compliance and Enforcement

From S.22

Sent: Saturday, March 21, 2015 9:43 PM

To: Henderson, Sharon ALC:EX

Cc: Larson.MLA, Linda LASS:EX; Minister, FLNR FLNR:EX; Minister, ENV ENV:EX; Minister, AGRI AGRI:EX; vgee@rdkb.com

Subject: 181762-Miller Springs - Compliance and Enforcement

We have had an opportunity to review the staff report regarding the Miller Springs application to the ALC for Non-Farm Use at their bottling plant in the Sidley Valley area, Bridesville, B. C.

And we have also reviewed the ALC's conditions that were established for Miller Springs in previous application(s). These requirements included *no expansion in the plant or increase in groundwater extraction without the approval of the ALC.*

In a letter to the Osoyoos Council on January 20, 2015, a representative of Miller Springs advised that *"over \$200,000.00 has already been spent completing the first building phase of our project..... We are presently finishing the first phase of our expansion project".*

Also, by way of information provided in an attachment to the Staff Report, Miller Springs has reportedly been extracting 44,000.00 litres/day, far in excess of the maximum 6,250 l/d. However, without metering, there is no way the ALC can confirm any extraction amounts. A review of the records/files of Miller Springs may indicate the quantities taken, and the ALC has the authority to do so.

As there has been no approvals from the ALC, are there provisions available to Miller Springs whereby they are exempt from the ALR requirements, compliance and enforcement?

From a compliance and enforcement point of view, and for future groundwater management in the Sidley Valley specifically and Anarchist Mountain generally, it is strongly recommended that any and all pipes used for the extraction of groundwater **be metered**. Should the existing groundwater reserve be compromised in the future, to the point where local farmers/ranchers are unable to irrigate their fields, the ALC would be best served with detailed responses/information.

Please feel free to contact us should you require any additional information.

Thanks Sharon.

S.22

Subject:

FW: 181824-Miller Springs - ALC Application for subdivision/increase water extraction

From S.22

Sent: Sunday, March 29, 2015 4:17 PM

To: McCoubrey, Lindsay ALC:EX

Cc: Henderson, Sharon ALC:EX; Minister, ENV ENV:EX; Minister, AGRI AGRI:EX; Minister, FLNR FLNR:EX; Larson.MLA, Linda LASS:EX; vgee@rdkb.com

Subject: 181824-Miller Springs - ALC Application for subdivision/increase water extraction

Hi Lindsay,

We have had an opportunity to review the RDKB Staff Report (Feb 26, 2015) pursuant to the Miller Springs application for subdivision, and an increase in the extraction of ground water, for the water bottling facility in the Sidley Valley of Bridesville. Please accept the following related to this report:

1. Miller Springs has been undergoing expansion at it's bottling plant for several months now. A representative for Miller Springs advised Osoyoos Council on January 21, 2015 that over \$200,000.00 has been spent already on "Phase 1" expansion. This appears to be contrary to the ALC's directive in 2008 which required the prior approval of the ALR before any expansion work is done (*".....the non-farm use component of the application to continue operating the bottling facility for Miller Springs be allowed in its present form and capacity on the condition that any expansion of the buildings or increase in water extraction be submitted for consideration and approval by the Commission"*).
2. The Consultant for Miller Springs is quoted in the Report as saying the additional water extraction will have no affect on surrounding wells. He came to that conclusion after talking to the owner. It should be noted that the Consultant is not recognized as a qualified groundwater expert by the Association of Professional Engineers or the Ministry of Environment, Water Protection & Sustainability Branch. As such, any claims or opinions regarding groundwater, and/or the aquifer, by this Consultant, cannot be verified by a signed and sealed confirmation and is pure conjecture without a proper groundwater study.
3. The Consultant also stated that the aquifer was unaffected by the alleged use of six straight months of 24 hour/day irrigation but offers no information, data, or study to verify the claim (nor does it recognize any time(s) for the cutting, drying, turning, and baling of hay). He is referencing a claim by the applicant that allegedly occurred **over 10 years ago**. Since then, over **50 new wells** have been drilled in the Sidley Valley, including well(s) for irrigation of a new vinyard less than a kilometre north of the subject land. If the ALC members were aware of this, it obviously did not cause them concern.

Other than the applicant's word, what other information did the ALC consider? If only the applicant's word was accepted, it is difficult not to consider this as being impartial.

4. The Consultant estimated the claim of six months of irrigation was nearly 3,000,000 litres per day. Even if this amount was correct, **ALL** the water applied into the subject atmosphere, and onto the subject ground, is used for plant growth, providing storage in the soil, and eventually, and most importantly, the re-charging of the aquifer (ref. The Okanagan Basin Water Board -Sources of Water Supply Information, Feb 12, 2013) . The present proposal to extract **over 20,500,000 litres/year** of water for bottling will mean **NONE** of that water will

benefit the environment or the crucial re-charging of the aquifer.

Do the ALR members understand the difference between irrigation, where the aquifers are re-charged.....and the permanent removal of ALL the water from bottling?

5. There is several very disconcerting comments in the **ADVISORY PLANNING COMMISSION COMMENTS** (page 5 of 7).

First, as noted previously, the size and capacity of the subject aquifer is unknown; the irrigation information was over a decade old; and there have been over 50 new wells drilled in the area since. The ALC would have known this from the attached correspondences from area residents, yet still accepted the applicant's word that another 8 times increase in **permanent** (ie no soil or plant benefits and no re-charging of the aquifer) extraction of groundwater will have minimal impacts. The APC ultimately accepted the applicants claims and came to the conclusion that there would be minimal impact on the overall water supply in the area (page 5 of 7 in the Staff Report).

Secondly, the ALC report appears to ignore the comments and concerns of a number of area residents (attached to the Staff Report). and have considered the comments and concerns of area residents to be inconsequential or unworthy of investigation. We would certainly be pleased to learn that this was not the case, and the ALC, in accordance with ALR policy (ie "all Commission members are required by law to "faithfully, honestly and impartially perform their duties": ALCA, s. 5(6)), did consider the concerns of the area residents. Verification of this part of the review process (ie the public was listened to) would reduce the impression that they were not impartial in their review.

Thirdly, the ALC members noted there was construction works during their site visit (ref Staff Report). Why didn't the ALC members respect the ALR's previous requirement of 'no construction without approval'?

6. While the subject site, Miller Springs, is in the Kootenays, Nine Mile Creek flows south and west into the Okanagan and eventually Okanagan Lake. The Okanagan Basin Water Board, in partnership with the BC Ministry of Environment and with significant contributions from the BC Ministry of Agriculture, the BC Ministry of Community, Sport and Cultural Development, Environment Canada, Agriculture & Agri-Food Canada, Fisheries and Oceans Canada, and the Okanagan Nation Alliance, is working to establish better systems to track natural water flows, establish water-use patterns, and estimate how these will change in the future. The Okanagan Basin Water Board and 13 of its partners have been presented with the "Award for Excellence in the Water and Waste Community" by the BC Water and Waste Association (BCWWA). The award was presented in recognition of the partnership's work on the three-year extensive Okanagan Water Supply and Demand Study. The OBWB concludes that: **"A significant" portion of the surface water in lakes and tributary streams is derived from groundwater. Our knowledge of groundwater existing below the ground surface in aquifers supply potential, aquifer health, and the actual amount of groundwater being used is poor. Significant further effort is needed to properly understand the groundwater resource and the volumes of water that are drawn from wells"**.

Since the Nine Mile Creek flows through the Okanagan Regional District, referral would be in order, if only to advise the Okanagan Regional District, and the Okanagan Basin Water Board, as the proposed extraction of groundwater in the upper reaches of this watercourse will impact 'downstream' drainage and underground flows associated with connected aquifers (ref: Okanagan Water Supply and Demand Study).

Did the ALC, or ALR refer, or seek input, from the Regional District of Okanagan-Similkameen (**RDOS**), where the loss of downstream drainage and groundwater supply will also be affected?

7. The **RATIONALE AND SUPPORT FOR PROPOSED SUBDIVISION** (page 5 in the attached

"Supplementary information" by the Applicant) is flawed on all four points:

1. The proposed expansion.....**will** occur on farm land. The driveway accesses are within the 1.25 ha (supposedly) designated area of permitted non-farm use on agricultural land. Covering ALR land does not make it go away.
2. There is no attached verification that all existing and proposed works are within the 1.25 ha area designated by the ALR.
3. As previously noted, it is impossible to determine the exact size of the aquifer without a proper groundwater study. To say that the additional water being drawn will have no impact on the wells in the area is without basis or fact.
4. In reviewing the previous applicant (2008) from this applicant, there were claims that **up to 32 people would be hired** as a result of the requested expansion at that time. **Currently there are 8** (ref. Jan 21, 2015 correspondence with Osoyoos Council). Perhaps inflating the 'projected' employment number is considered one way to impress the RDKB and the ALC? And in the previous application, the Staff Report went on in great length about the need for jobs due to the closure of the Pope and Talbot lumber mill in Midway. In **this** report there is no mention of the mill now being open and providing many jobs for the locals.

8. There is a Conservation Area (*Lehman Springs Conservation Area*), a few hundred metres downstream of Miller Springs on Nine Mile Creek. The Land Conservatory notes that this site is *'not only precious for the trees themselves and the animals that call the forest home, this forest is a treasure thanks to its hidden springs. There are at least nine natural springs within this forest where water can be seen bubbling from the ground. These springs are home to a tiny fresh water shrimp, and in the summer, are the headwaters for Nine Mile Creek (which flows into Osoyoos Lake on the US side of the border). Because of the fragile nature of this forest, access by the general public will not be permitted'*. An unregulated extraction of groundwater in this area could have detrimental affects on this ecosystem, and species at risk identified in this Conservation area, should the groundwater supply be compromised.

There has also been confirmation that the Tiger Salamander and the Great Basin Spadefoot Toad, both Species at Risk, exist in the wetlands of the property to the north of Miller Springs. There are wetlands also associated with the northern portion of the subject lands and there may well be Species at Risk in these wetlands, and Nine Mile Creek, on the subject property. Any reduction in the surface water supply could be detrimental to these species. *A loss of these wetlands and ponds will result in the destruction of the habitat of these Species at Risk.*

Did the ALC, or ALR, refer or consult with the Ministry of Environment with regard to environmental issues? Knowing the above, does the ALR consider referral to M o E appropriate in this case?

9. In the RDKD report, and noted in 7 (2) above, it is stated that *"all of the proposed facility expansions are within the 1.25 ha site area that has been approved for non-farm use"*. However there is no documentation to confirm this is the case. A site survey is a must to ensure the RDKB, the ALR, and the public, that the applicant has properly constructed the existing buildings, and any proposed construction to be, in the designated area.

Where we can review a copy of this designated area, and how the existing and any future construction comply?

10. The RDKD report quotes the Consultant for Miller Springs as saying that hay has not been grown on the subject land "due to economics" and a contention that the ground was unsuitable for crops. Yet the property on the west side of Sidley Mountain road (southerly portion), is able to take up to three cuttings annually off their hay field, and the property on the north side has grown crops and grain for many years. If improvements were made to the soil/ground in the 1.25 ha, it may be as productive as the other side of the road.

11. The implementation of 'blowing' water bottle on-site does not appear to be compatible with the ALR's permitted uses. And we simply don't know what bi-products or emissions will result from this activity at this time. The Staff Report notes that the ALC *"felt that flawed bottles would be recycled and all cleaning solutions currently used are of food grade cleaner levels and consequently environmentally friendly"*. They "felt"? Is that an opinion that the ALR can find comfort in? How are the flawed bottles recycled? How are the cleaners disposed off?

Did the ALC members indicate how they came to these conclusions.....other than listening only to the applicant?

12. The Consultant claims that vehicle traffic for delivery of raw materials would be reduced by 90% (1 trip every month for input). It's difficult to accept that the proposed 8 X increase in bottle product would result in only one truck per month delivering raw materials. It's even harder to accept that an 8 X increase in product production will result in **less** traffic leaving.

13. A representative of Miller Springs on record stating that they anticipate a future requirement for 225,000 litres per day (NB: the current permitted extraction is 6250 l/d, and this proposal would increase it to 56250 l/d) or **82,125,000 litres/year** none of which will assist in the critical re-charging of the aquifer.

Is the ALR aware of the applicants intention to extract **4 X** over the current request of 56250 l/d?

14. The original intent and consideration by the ALR would have appeared to have been to assist in a struggling ranching family with approval of a relatively small bottling company operation, even though the use is not specifically identified in the ALR Act for the non-farm use of Agricultural Land. It now appears that the applicants have sold out to the Naturo Group who markets products under the "Trace" brand (ref; Osoyoos Council correspondence of Jan 21/15). The new owners are said to have interest in the Asian market, specifically China. Therefore, the local 'Mom and Pop' operation will effectively become an International, multi-million dollar, industrial, business on ALR land.

The ALC expressed concern that there was no information available to determine what could happen to the water availability (page 5 of 7 in the Staff Report). Is this new information, or information that was not available during their review?

15. The result of expansion work being done by the applicant at this time, is the impression of many concerned residents that the RDKB and the ALR know about the progress to date and that the approval process from the ALR is a foregone conclusion (that the ALR will grant approval despite (any) objections from the public). The RDKB has issued a building permit for this site for the proposed expansion. And the new owners have spend over \$700,000.00 already (ref correspondence with the Osoyoos Council dated Jan 21/15), including \$200,000 in Phase 1 works, so far in this proposed project expansion. That's a huge financial expenditure to incur without some assurance that approval for the expansion work(s) will be granted.

Is the ALR surprised or concerned by the applicants apparent disregard for the process and the confidence that the approval is a foregone conclusion?

16. Whatever the ALR's decision, it is **strongly** recommended that the existing, and any proposed up-upgrades to the, supply pipe be **metered**. As noted in the Okanagan Basin Study, it is crucial in the future assessment of watersheds. It would also give the ALR some confirmation that the extraction amounts are not exceeded. At this time, the Commission has no way of knowing if their regulation is being respected.

It is also clear from the correspondence to the Osoyoos Council that the company predicts a need for **225,000 litres/day**. *Without effective monitoring*, the company could extract more than the 6250 l/d maximum at this

time; more than the 56250 l/d maximum sought for this expansion; and take whatever it needs in the future.

Thank you for your attention to these concerns and we look forward to your response(s). If there is any clarification or additional information you require, please don't hesitate to contact us at : **s.22**

Regards,

s.22