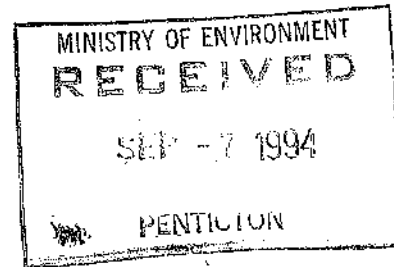




September 1, 1994

File: 0241963

s.22



✓ Dear s.22

Re: Final Water Licence 6617 - Irish Creek

Reference is made to your letter received July 19, 1994, regarding water rights on Irish Creek s.22

s.22

The water rights authorized under former Final Water Licence 6617 appurtenant to your land were transferred from the former landowner to Grandview Water District in 1932. This licence was superseded by Conditional Water Licence 11349 and subsequently Conditional Water Licence 11737, issued to the Grandview Water Works District for use on lands within their service area. A copy of a letter on file dated September 14, 1944, (copy enclosed) indicates that s.22 the former landowner, did not reserve any part of the rights when he sold them to the District. It is noted that your land is not within the boundaries of the District, and therefore, the District would not be obliged to supply you with water.

If you wish to acquire water rights on Irish Creek you should make an application for a water licence to the Water Management office in Penticton (forms enclosed).

An alternative would be to request the District to transfer a portion of their rights s.22 In this regard, the enclosed application for transfer of appurtenancy should be completed, signed by the District, and submitted to the Water Management office in Penticton.

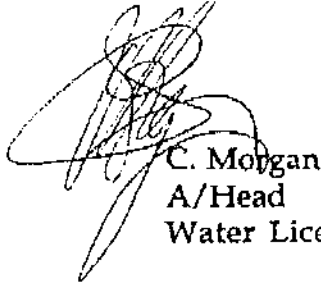
Another alternative would be for the Grandview Water Works District to apply to the Comptroller of Water Rights for authority under Section 32 of the *Water Act* to supply water to lands lying outside their licence boundaries.

...2

- 2 -

It is suggested that you contact our Water Management office in Penticton for further assistance with your water requirements.

Yours truly,



C. Morgan
A/Head
Water Licence Administration

CM:slj

Enclosures

cc ✓ Southern Interior Region - Penticton

s.22

Dr. D.A. Kasianchuk,
Comptroller of Water Rights,
765 Broughton St.,
VICTORIA, British Columbia,
V8V 1X4.

re: final water licence No. 6617,

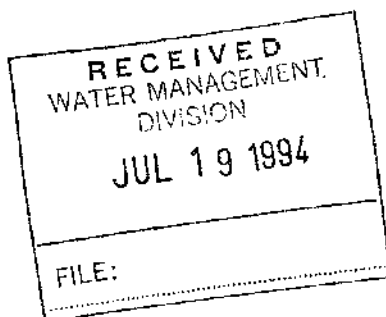
Dear Sir,

We own the s.22

s.22 In 1931 the
owner, s.22 sold the above water licence to the
Grandview Waterworks District with provision for first call
delivery to s.22

For the past two years the Grandview Waterworks has not used
the water from this licence (the Webber Dam on Irish Creek).
Therefore we would like to apply to have the water licence
returned s.22 and would appreciate your advice on how to
proceed.

s.22



MINISTRY OF ENVIRONMENT	
DIRECTOR	
WATER MANAGEMENT DIVISION	
JUL 19 1994	
File:	

September 14, 1944.

39

Memo: D. K. Penfold, Esq.,
P. O. Box 1198,
Kelowna, B. C.

Please refer to File No. 38A-21-10.
Coyote (Irish) Creek.

Your memo of the 8th instant has been received.

s.22 claim to water for domestic use was not overlooked in 1932 but was apparently not confirmed because Final Licence No. 5617 did not authorize domestic use and when he sold his rights to the Grandview Waterworks District he did not reserve any part of them. However in the agreement made between them, a copy of which is enclosed, the District undertook to supply him with 500 gallons a day.

If he is not getting this quantity now it would appear that his claim is against the District for failure to carry out the terms of the agreement.

The issue of Conditional Water Licence No. 11349 to the District resulted in a complaint from the Indian Department, and it was recalled and Conditional Licence No. 11738 issued in its place. To issue a licence s.22 with 1893 priority would no doubt be objected to by the Indian Department.

Perhaps the matter could be disposed of by having s.22 land included in the District. Would he be agreeable to this?

JD

JEL/T.

Comptroller of Water Rights.