



# MINISTRY OF FORESTS, LANDS, NATURAL RESOURCE OPERATIONS AND RURAL DEVELOPMENT

## COMPLIANCE & ENFORCEMENT

### INSPECTION REPORT

<b>NRIS COMPLAINT ID #:</b> 87767		<b>ERA REPORT #:</b> DCK-37271
<b>OTHER AGENCY FILE #:</b> NA	<b>CLIENT #:</b> 00025869	<b>CLIENT NAME:</b> William Miles DICKEY
<b>REGION:</b> South Coast		<b>FIELD UNIT:</b> Chilliwack
<b>GEOGRAPHIC LOCATION:</b> s.22		<b>ACT/SECTIONS INVOLVED:</b> Water Sustainability Act
<b>INSPECTION DATE:</b> 2018-08-20		<b>IN ATTENDANCE:</b> None

#### OBSERVATIONS:

##### **BACKGROUND**

On May 30<sup>th</sup>, 2018, property owner William DICKEY was land clearing on his property with an excavator when he accidentally snagged and damaged a water main line causing a disruption of water to water license holders on Parker Spring. The water license holders affected by the disruption were William KELLY, Dave ACKER, Dwight JUDGE and ROSEVALE FARMS LTD.

On May 31<sup>st</sup>, NRO SIDOW commenced an investigation which determined that DICKEY contravened *Section 106(2)(e)(i)* of the *Water Sustainability Act*, for injuring works belonging to an authorization holder. On June 1, 2016, DICKEY was issued Violation Ticket AH90484149 for the contravention.

Since damaging the water main line, DICKEY has been working to repair the water system but there have been re-occurring problems leading to sedimentation in the water lines, and disruptions to water flow.

Due to ongoing complaints, Natural Resource Officer (NRO) Michael SIDOW met with Ground Water Protection Officer (GPO) Emily ELSLIGER on August 20, 2018, to determine whether an order could be issued to DICKEY requiring him to replace the works.

NRO SIDOW and GPO ELSLIGER reviewed the license documents for Parker Spring and discovered an easement map and a Memorandum of Agreement from 1967 for DICKEY's property. The Memorandum of Agreement specified that the water main line must be buried no less than 3ft below the surface of the ground.

SEE FIGURES 2 & 3

NRO SIDOW and GPO ELSLIGER decided in consultation with other members of the Water Branch that an order could not be issued unless the licensees of Parker Spring were meeting the obligations of their water license by ensuring that their water lines were within the easement and buried to the depth required in the Memorandum of Agreement.



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#### **WATER SYSTEM INSPECTION**

On August 20, at approximately 1615 hours, NRO SIDOW returned to DICKY's property at s.22, to inspect the water lines on behalf of the Water Branch and determine if they were within the easement and buried to the required depth.

Since DICKY has been working on the water lines since May 30<sup>th</sup>, a large section of the water main line had been excavated and replaced. However, during the inspection, NRO SIDOW was able to identify sections of the original water main line which appeared to be in the original location, and at the original burial depth.

NRO SIDOW observed that the southern section of the original water main line was only partially buried, with intermittent sections of exposed water line. There had been no excavation by DICKY in this area.

SEE FIGURES 1, 4 & 5

NRO SIDOW also inspected the location where property owner DICKY connected the new water main line to the original water mainline. At this location, the original water main line had been partially excavated and exposed, but appeared to be undisturbed in its original location and at its original depth. NRO SIDOW took a measurement at this location and estimated that the original water main line was at a depth of about 1.4ft.

SEE FIGURES 1 & 6

Following the original water main line, NRO SIDOW discovered another exposed segment which appeared to him to be in its original location. NRO SIDOW measured the depth of this section and estimated that it was located somewhere between 1.5ft and 2ft below the surface of the ground.

SEE FIGURES 1 & 7

The middle section of the original water main line had been excavated, moved and replaced by the new water main line. As a result, NRO SIDOW was unable to make an estimate of the burial depth in this section. Though NRO SIDOW was unable to make an estimate of burial depth, it did appear that the water main line was buried through the middle section prior to the incident.

SEE FIGURES 1, 8

NRO SIDOW continued following the original water main line and property owner DICKY identified the location where he snagged and damaged the original water mainline. NRO SIDOW recognized a scar on a nearby tree, which appeared to have been caused by heavy equipment use, from the video provided by complainant s.22. This corroborated DICKY's claim that this was the location of the incident.

DICKY stated to NRO SIDOW that the original water main line was buried, but that it was not buried to three feet as required by the easement. DICKY also stated that the original water main line was not buried at the location where he snagged and damaged it.



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NRO SIDOW didn't observe any excavation at the location where DICKY snagged and damaged the original water main line. The new water main line was resting on the ground in what appeared to be the approximate location of the original water main line. Based on this observation, NRO SIDOW inferred that the original water main line had not been buried to 3 feet, and was on the surface as DICKY had claimed when he snagged and damaged it.

SEE FIGURES 1, 9, 10 & 11

NRO SIDOW continued following the original water mainline, which began to follow Parker Spring to the east. The original water mainline followed Parker Spring until the headwaters, where there was a concrete well, intake and pump.

SEE FIGURES 1, 12 & 13

NRO SIDOW also observed and followed another water line at the intersection of the original water main line and Parker Spring. This water line was identified as belonging to Dave ACKER, and it followed Parker Spring west towards the road where the creek and the water line disappeared into the ground.

SEE FIGURE 1, 12 & 14

#### **ROAD INSPECTION**

After completing his inspection of the water system, and at the request of complainant <sup>s.22</sup>, NRO SIDOW inspected road building activities conducted by DICKY on his property. The road building activities did not infringe upon Parker Spring, and NRO SIDOW did not observe any contraventions under the *Water Sustainability Act*, or any other Provincial Statutes. NRO SIDOW observed that a stop work order had been placed on the road building activity by the City of Chilliwack. NRO SIDOW explained to complainant <sup>s.22</sup> that the road building activities were Municipal jurisdiction.

NRO SIDOW completed his inspection at approximately 1730 hours and departed the property.

#### **CONCLUSION**

On 2018-08-21, at approximately 0815 hours, NRO SIDOW consulted with GPO ELSLIGER, and was advised that no orders could be issued as it appeared there was shared responsibility between the property owner who damaged the water line (William DICKY), and the licensees, whose water lines did not appear to meet the specifications of the easement agreement. NRO SIDOW was advised that this was a civil matter between the property owner and the licensees, and that the Water Branch recommended the property owner and licensees share the costs to upgrade and replace the system.

NRO SIDOW decided that no further actions could be taken by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, and began advising complainants of this decision.

Michael Sidow

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Sidow  
Date: 2018.09.03 10:43:05  
-07'00'



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#### FIGURES AND PHOTOGRAPHS:

**FIGURE 1**



**MAP: Approximate location of water lines, Parker Spring and depth measurements.**

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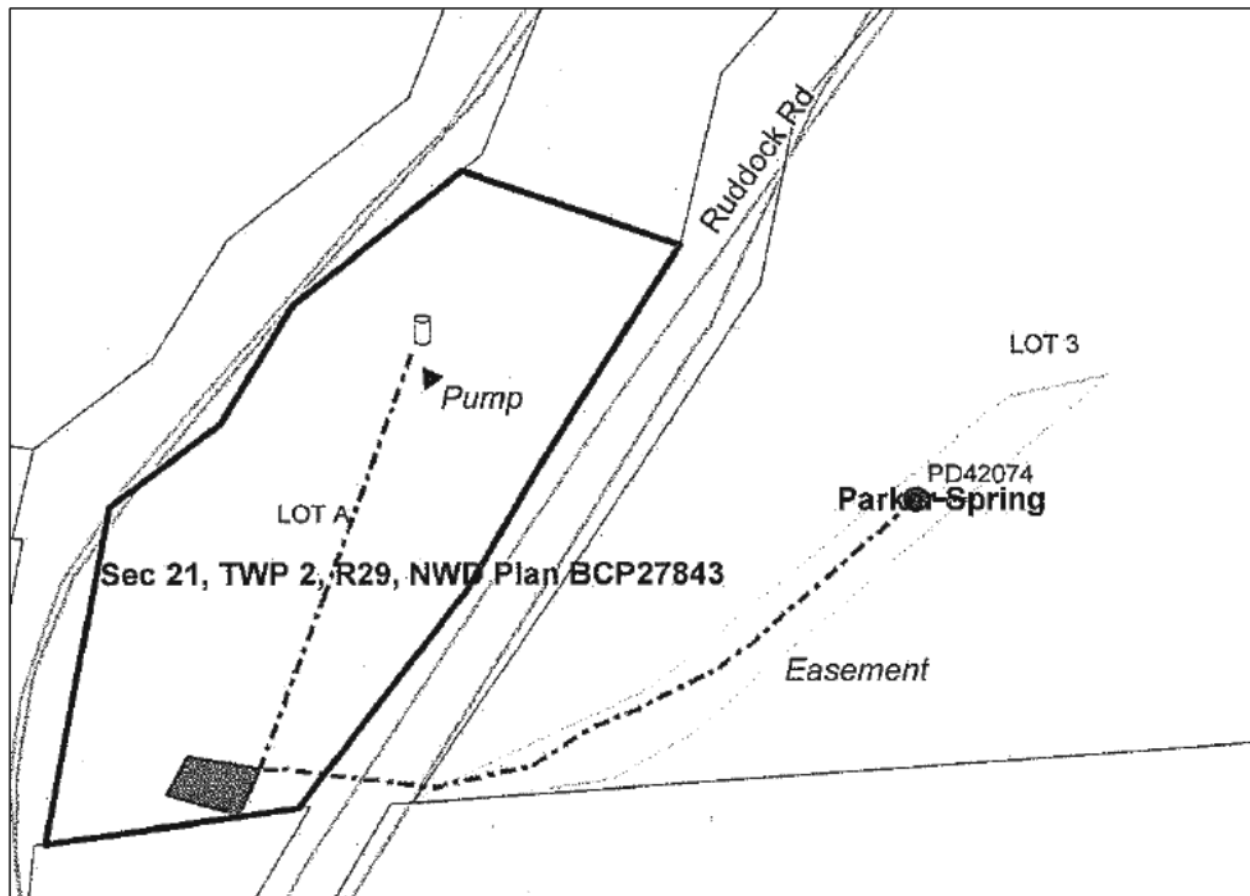


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FIGURE 2



Easement Map

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FIGURE 3

2. In consideration of the premises the Grantees agree that they will install the said Pipeline at a depth of not less than three (3) feet below the surface of the ground at any point and will restore the surface of the ground and level the same after they have performed any work in connection with the said Pipeline, and will repair all damage done to fences of the Grantor in connection with any such work and will compensate the Grantor for any damage of any kind caused to the Grantor arising out of the exercising by the Grantees of their rights under this Agreement.

Memorandum of Agreement - 1967

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**FIGURE 4**



**IMG\_0278: Southern section of original water main line partially exposed to the surface.**

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FIGURE 5



IMG\_0280: Southern section of original water main line partially exposed to the surface

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FIGURE 6



IMG\_0274: Depth measurement #1 - New water main line connects to original water main line. Original water main line depth measured at about 1.4ft. Original water main line does not appear to have been moved from its original location or depth.

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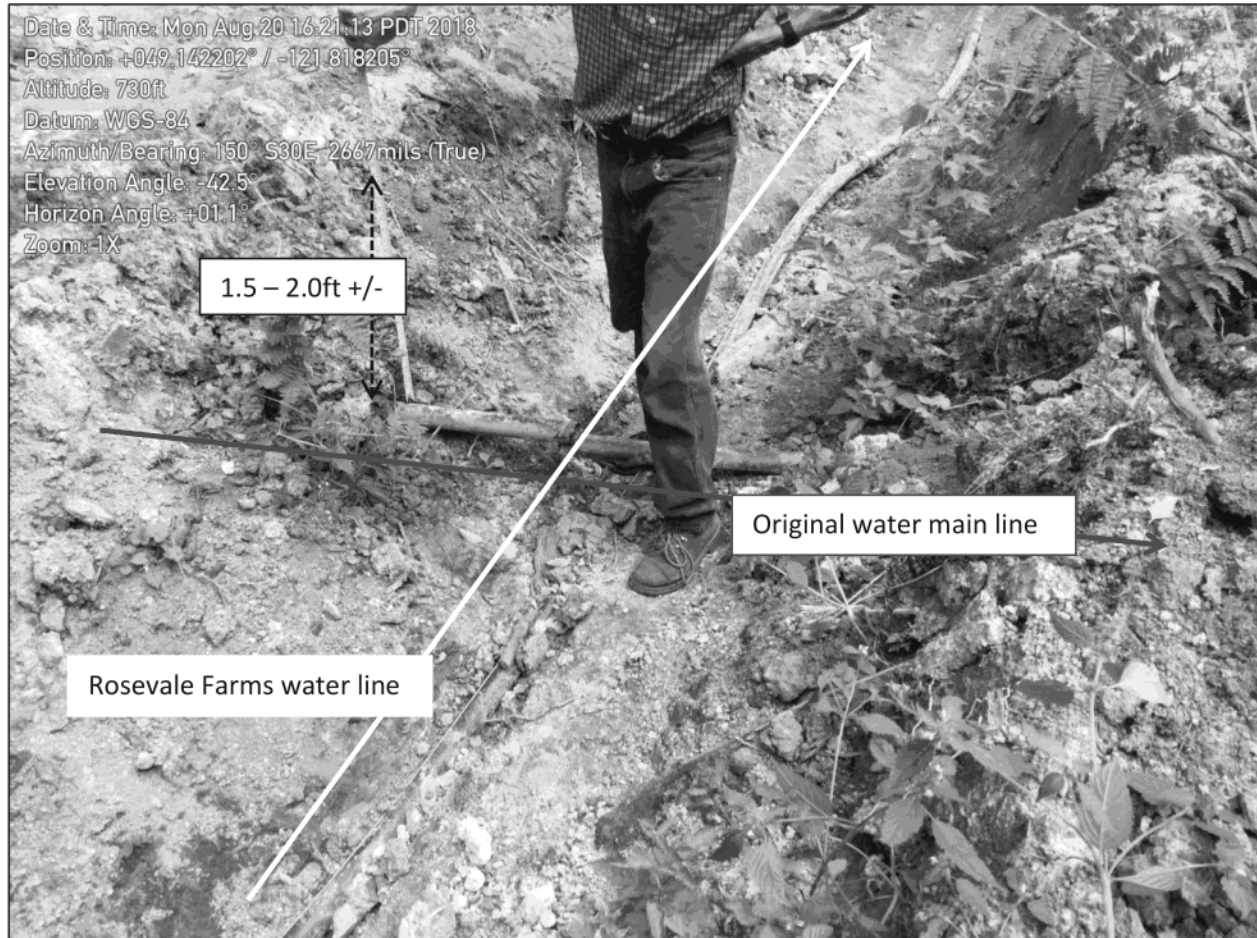


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FIGURE 7



IMG\_0282: Depth measurement #2 – Measurement taken at location of original water main line was 1.5 - 2ft.

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**FIGURE 8**



**IMG\_0284: Original water main line adjacent to the new water main line replaced by DICKEY.**

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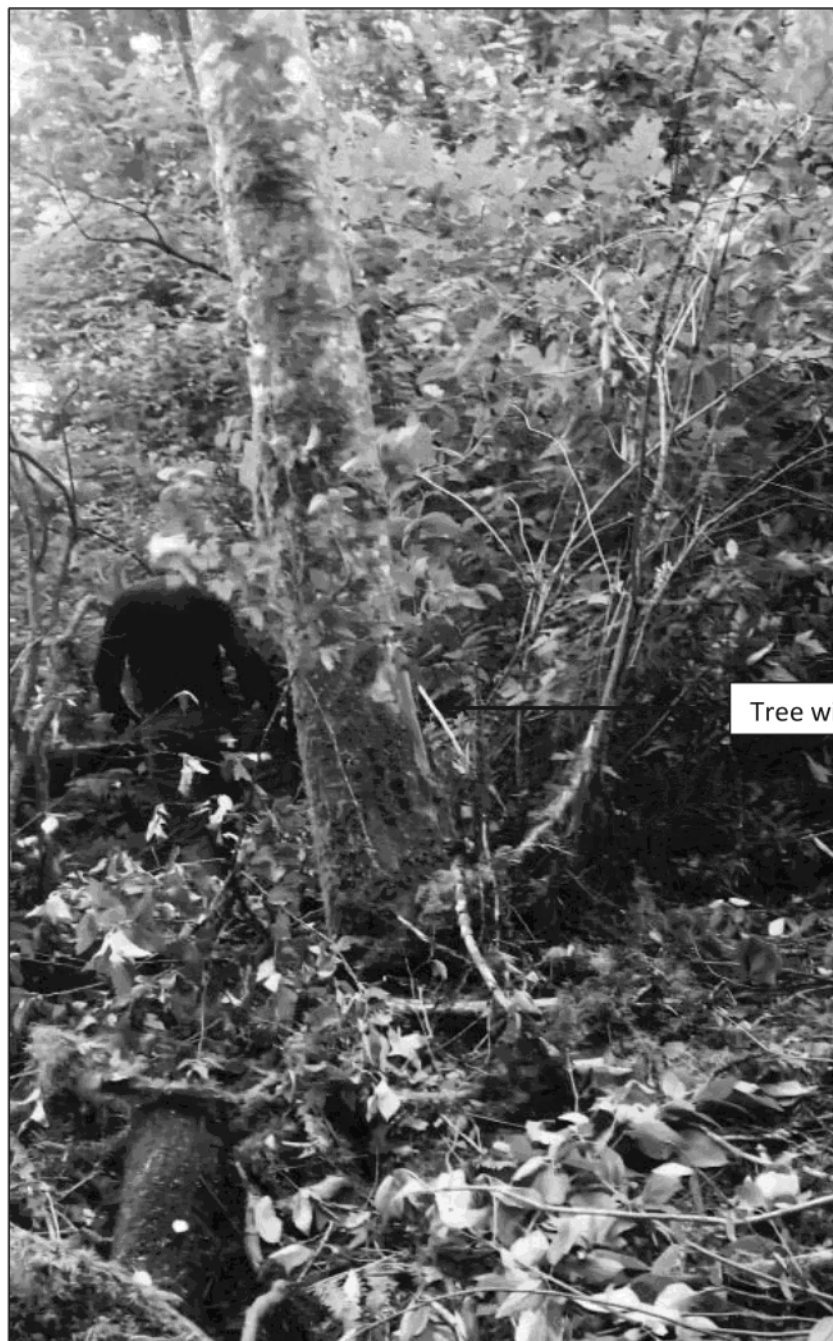


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**FIGURE 9**



**Video Snapshot: Approximate location where DICKEY snagged and damaged the original water main line.**

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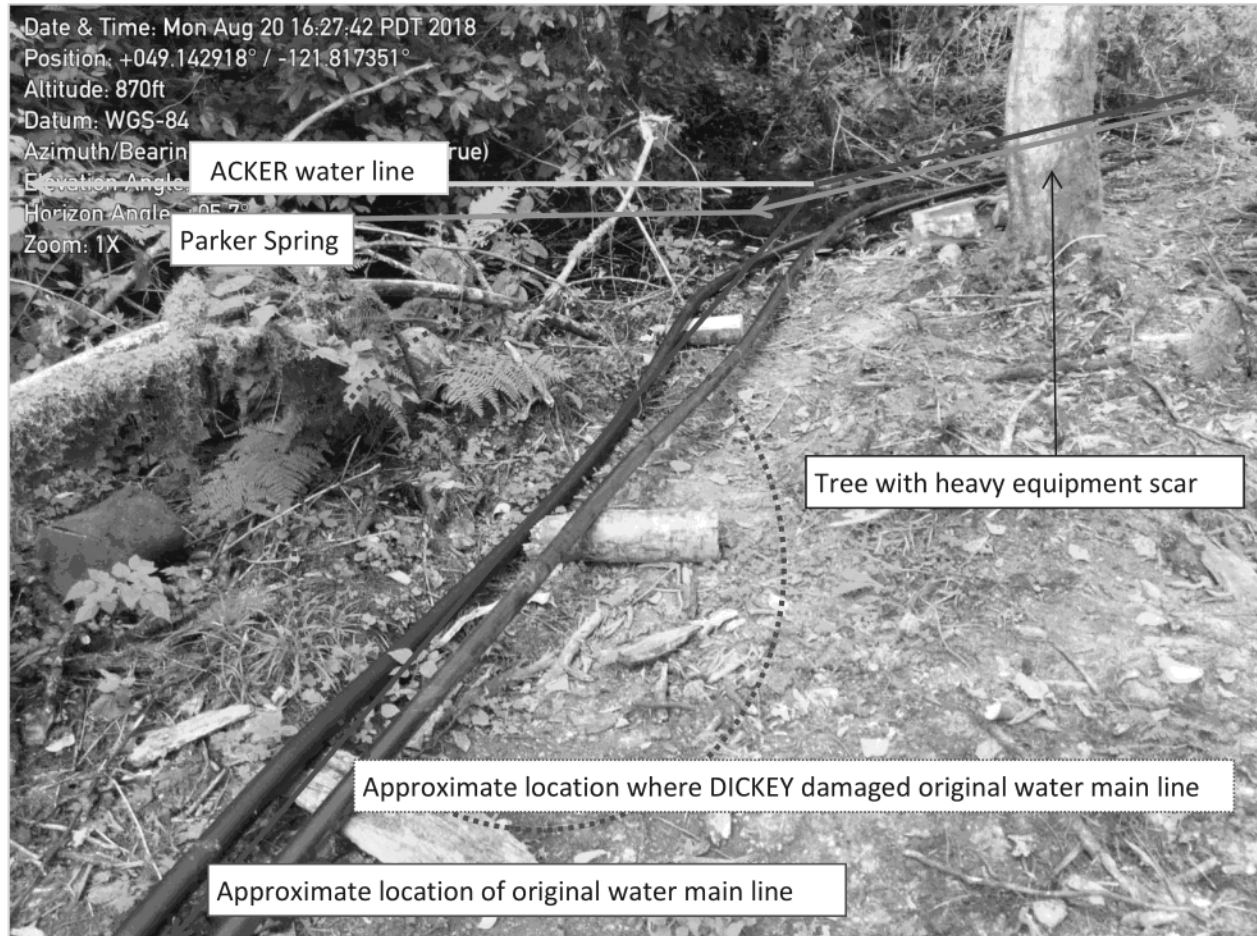


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FIGURE 10



**IMG\_0290:** Approximate location where DICKEY snagged and damaged original water main line with excavator. It does not appear that any excavation was conducted by DICKEY at this location to replace the original water main line.

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FIGURE 11



**TABQ1398:** Approximate location where DICKY snagged and damaged original water main line with excavator. It does not appear that any excavation was conducted by DICKY at this location to replace the original water main line.

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**FIGURE 12**



**IMG\_0287: Intersection of water main line, ACKER water line, and Parker Spring.**

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**FIGURE 13**



**IMG\_0296: Parker Spring headwaters**

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FIGURE 14



IMG\_0301: ACKER water line running west through Parker Spring.

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