

MINISTERS OF  
AGRICULTURE

DEPARTMENT OF  
AGRICULTURE

WATER RIGHTS DIVISION

CONDITIONAL WATER LICENSE

CONVEYING PURPOSE

*City of Kelowna*

The Kelowna Fruit Land Irrigation & Power Company Ltd. is hereby authorized to carry and deliver the water which may be diverted, stored and used under Conditional Water Licenses Nos. 15215, 15217, 15218, 15219, 15220, 15221, 15222 and 15223.

(a) The date from which this license shall have precedence is 13th September, 1940.

(b) The land to which the water may be carried is the land on which water may be used under the aforesaid Conditional Water Licenses.

*K.R.D.* (c) The works for the diversion, carriage and storage of water are - pumps - main irrigation canal, pipes, flumes, ditches and drains, have been commenced and shall be completed on or before the 31st day of December, 1940.

(d) The licensee shall at all times maintain and operate the said works in condition capable of carrying and delivering sufficient water for the proper irrigation of the land referred to in clause (b) to the satisfaction of the Commissioner of Water Rights.

(e) This license is issued in substitution of Conditional Water License 15214 hereby surrendered and cancelled.

I, K. B. F. Beaman, being a person authorized by the Minister to execute the duties of the Registrar of Water Rights, do hereby certify that the following is a true copy of

Conditional  
License No. 15224  
on 21st

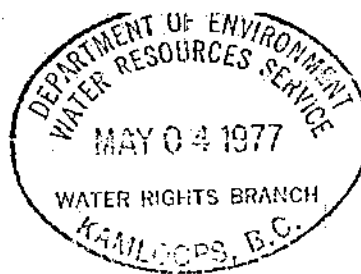
*K.B.F. Beaman*  
Registrar

*R. Davis*  
Comptroller of Water Rights.

File No. 15224  
(046872)

Date issued: January 21st, 1941.

License No. 15224



PROVINCE OF  
BRITISH COLUMBIA.

## WATER RIGHTS BRANCH.

DEPARTMENT OF  
LANDS.

### CONDITIONAL WATER LICENCE.

(For a Conveying Purpose.)

WHEREAS the Board of Investigation, constituted and acting under the "Water Act, 1914," duly held an investigation respecting the waters set out in the order No. 7781, a duplicate of which is hereto attached, and in the said order directed the Comptroller of Water Rights to issue a conditional licence in respect of the particular record and claim respectively set out therein, and further therein named the terms and conditions to be embodied in the said licence:

NOW, THEREFORE, I, Comptroller of Water Rights of the Province of British Columbia, in pursuance of the said order and in conformity with the "Water Act, 1914," issue this conditional licence, and declare the rights in and to the use of the said waters held under the said record in respect of the said claim to be such as are set out in the said order; and the terms and conditions of the said order and any exhibits which are therewith incorporated are hereby incorporated herewith and form a part hereof. This licence is appurtenant to the undertaking of The Kamloops Fruitlands Irrigation and Power Company, Limited.

*Superseded by  
Conditional Licence  
15224*

Made and entered this 1<sup>st</sup> day of May, 1922.

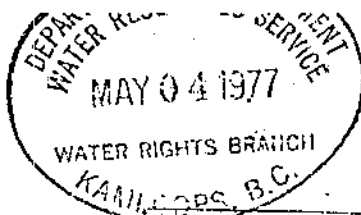
E. A. Cleveland  
Comptroller of Water Rights.

No. 6254

PROVINCE OF  
BRITISH COLUMBIA.

# WATER RIGHTS BRANCH.

DEPARTMENT OF  
LANDS.



## DETERMINATION AND ORDER

BY THE BOARD OF INVESTIGATION  
UNDER THE "WATER ACT, 1914."

(For a Conditional Water Licence for Conveying Purpose).

In the Matter of the Rights and Claims to the Waters of certain Streams lying in \_\_\_\_\_  
\_\_\_\_\_ Kamloops \_\_\_\_\_ Water District, in the Neighbourhood  
of \_\_\_\_\_ Kamloops \_\_\_\_\_, B.C.

NOW, on this \_\_\_\_\_ 28th \_\_\_\_\_ day of \_\_\_\_\_ May \_\_\_\_\_, 19 15, the  
above-entitled matter coming on regularly for final hearing before the Board of Investigation;  
notice of the intention to investigate all and every the said rights and claims having been given by the  
Board as required by the "Water Act, 1914"; all persons having claims to water on the said streams or  
in the said locality having been directed to file their claims with the Board; due notice having been given  
of the times and places of preliminary and final hearings respectively in the above-entitled matter; all  
and every the steps required under the Act to be taken by the Board before a determination of the said  
rights and claims should be made having been taken; all evidence, testimony, and proofs filed with the  
Board or presented in the above-entitled matter having been duly considered; a quorum of the Board  
being present at this hearing; and the Board being now fully advised in the premises, determines with  
respect to the claim.s. of The British Columbia Fruit Lands, Limited, and  
The Kamloops Fruitlands Irrigation and Power Company, Limited,

the said claim.s. being on file and numbered 69/70/73 and 74-41-7;  
87/88/89/90/91 and 92-42-7.

1.

THAT the following valid water records were made pursuant to  
the Water Clauses Consolidation Act, 1897, granting to the Canadian  
Real Properties, Limited, the right to store and divert the waters  
of certain Lakes in the said records specified and to use the same  
in the irrigation of certain lands owned by the said the Canadian  
Real Properties, Limited:

WATER RECORD NO.119 dated 3rd December, 1902, for waters  
of Drained and Cameron Lakes at or near the headwaters of  
McQueen Creek, a tributary of North Thompson River, which said  
Water Record has been replaced by Conditional Water Licences  
Nos. 4640 and 4641.

WATER RECORD NO.219 dated 27th April, 1905, for waters of  
South Lake at or near the headwaters of Dairy Creek, a tribu-  
tary of North Thompson River, which said Water Record has been  
replaced by Conditional Water Licences Nos. 4642 and 4643.

WATER RECORD NO.220 dated 27th April, 1905, for waters  
of North Lake at or near the headwaters of Dairy Creek, a trib-  
utary of North Thompson River, which said Water Record has  
been replaced by Conditional Water Licences Nos. 4646 and 4647.

WATER RECORD NO. 205 dated 24th October, 1905, for waters of Montworth Lake at or near the headwaters of Jamieson Creek, a tributary of North Thompson River.

AND WATER RECORD NO. 409 dated 22nd November, 1907, for waters of Montworth Lake aforesaid.

AND WATER RECORD NO. 262 dated 21st December, 1905, for waters of Richardson Lake, at or near the headwaters of said Jamieson Creek, which three last mentioned Water Records have been replaced by Conditional Water Licences Nos. 4644 and 4645.

WATER RECORD NO. 231 dated 21st December, 1905, for water of Alexander Lake at or near the headwaters of Jamieson Creek, a tributary of North Thompson River.

AND WATER RECORD NO. 408 dated 22nd November, 1907, for waters of Alexander Lake aforesaid, which two last mentioned Water Records have been replaced by Conditional Water Licences Nos. 4648 and 4649.

THAT the British Columbia Fruit Lands, Limited, and the Kamloops Fruitlands Irrigation and Power Company, Limited, are the successors-in-title of the said the Canadian Real Properties, Limited.

THAT by the "British Columbia and Kamloops Company, Amalgamation Act, 1910" being Chapter 58 of the Statutes of British Columbia 1910, the said the British Columbia Fruit Lands, Limited and the said the Kamloops Fruitlands Irrigation Company, Limited, are authorized and empowered amongst other things to amalgamate all records of water and all rights to use water and all other rights and privileges relating to its use for any purposes whatsoever.

The Comptroller of Water Rights is hereby directed to issue a Conditional Licence for conveying purpose in respect of the said records and claims embodying the following terms and conditions:

Order No. 7781.

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The water which may be diverted, carried and delivered is the water which may be diverted, stored and used pursuant to the provisions of the said Conditional Water Licences Nos. 4640, 4641, 4642, 4643, 4644, 4645, 4646, 4647 and 4648 and 4649 hereinafter called the diversion licences.

The territory within which water may be delivered is that shown on exhibit marked "A" which is hereto attached and made part hereof.

The works which may be constructed, maintained and operated are those shown in the said Exhibit marked "A" and such further works as are required to deliver water within the territory above described.

The construction of works shall be prosecuted with due diligence and to the satisfaction of the Comptroller of Water Rights and shall be completed on or before the first day of November, 1929.

Before any change is made in the said works which would be a material deviation from the plans as approved or the works as accepted by the Comptroller, plans of such proposed change must be filed with the Comptroller and approved by him.

The tolls which may be charged by the Licensee for its services are those which have been or shall hereafter be approved by the Board of Investigation pursuant to the provisions of the Water Act, 1914, save that where agreements have heretofore been made between the Licensee or its predecessors-in-title and water users under its system the tolls thereby agreed upon shall be chargeable.

The Board may extend the time for the resumption or completion of the construction of the works on being satisfied

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Order No. 7781.

that it is in the public interest and that it will not injuriously affect the rights of any licensee.

The licence shall not in any way be deemed to be a final licence for the use of water, but shall have the effect only of a Conditional Licence issued under Part V. of the Water Act, 1914, and shall be subject to all the provisions of the said Act, including the filing of proof of the completion of the said works and the putting of the water to such beneficial use within the time limited by the provisions of Section 117 of the said Act.

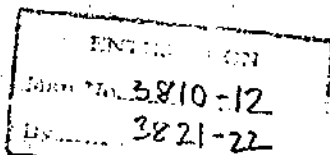
Pending the issue of the licence hereby authorized to be issued the terms and conditions of this order shall govern the respective rights of the record holders or claimants affected thereby.

MADE AND ENTERED THIS <sup>1<sup>st</sup></sup> DAY OF *May*, A.D. 1922.

BOARD OF INVESTIGATION.

.....J.S.T. Alexander.....Acting Chairman.

.....J. E. Lane.....Member.



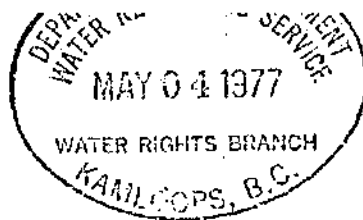
6254

Order No. 7781.



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PROVINCE OF  
BRITISH COLUMBIA

# WATER RIGHTS BRANCH.

DEPARTMENT OF  
LANDS.

## CONDITIONAL WATER LICENCE.

(For a Storage Purpose.)

WHEREAS the Board of Investigation, constituted and acting under the "Water Act, 1914," duly held an investigation respecting the waters set out in the order No. 5021, a duplicate of which is hereto attached, and in the said order directed the Comptroller of Water Rights to issue a conditional licence in respect of the particular record and claim respectively set out therein, and further therein named the terms and conditions to be embodied in the said licence:

NOW, THEREFORE, I, Comptroller of Water Rights of the Province of British Columbia, in pursuance of the said order and in conformity with the "Water Act, 1914," issue this conditional licence, and declare the rights in and to the use of the said waters held under the said record in respect of the said claim to be such as are set out in the said order; and the terms and conditions of the said order and any exhibits which are therewith incorporated are hereby incorporated herewith and form a part hereof. This licence is appurtenant to the lands set out in Exhibit "C" of diversion Order No. 5020.

*Replaced by  
C/L 15222*

Made and entered this 6<sup>th</sup> day of April, 1920.

E. A. Cleveland

Comptroller of Water Rights.

No. 4641

Form No. 1006, W.R.B. (Licence in respect of Board Order)—5,000-1-10.



# DETERMINATION AND ORDER

BY THE BOARD OF INVESTIGATION  
UNDER THE "WATER ACT, 1914."

In the Matter of the Rights and Claims to the Waters of certain Streams lying in .....  
Kamloops ..... Water District, in the Neighbourhood  
of ..... Kamloops ..... B.C.

NOW, on this 28th day of May, 1915, the  
above-entitled matter coming on regularly for final hearing before the Board of Investigation;  
notice of the intention to investigate all and every the said rights and claims having been given by the  
Board as required by the "Water Act, 1914"; all persons having claims to water on the said streams or  
in the said locality having been directed to file their claims with the Board; due notice having been given  
of the times and places of preliminary and final hearings respectively in the above-entitled matter; all  
and every the steps required under the Act to be taken by the Board before a determination of the said  
rights and claims should be made having been taken; all evidence, testimony, and proofs filed with the  
Board or presented in the above-entitled matter having been duly considered; a quorum of the Board  
being present at this hearing; and the Board being now fully advised in the premises, determines with  
respect to the claim of British Columbia Fruit Lands Company Limited

the said claim being on file and numbered 69-41-7

1. (a) That a valid record affecting the said claim was  
made under the authority of an Act passed prior to  
the 12th day of March 1909 and that under the said  
record the owners of the land set out in Exhibit "A"  
of Diversion Order No. 5020 were granted a right to  
store water in trained and Cameron lakes in Sections 32  
and 33, Township 21, Range 18, tributaries of Blue  
Ravine Creek.
- (b) That by an Order of the Board numbered 5020 (hereinafter  
called the said diversion licence or record) the owners  
of the said lands were authorized to take and use two  
thousand (2000) acre feet of water per annum from the  
said lakes for irrigation.

4641

2. The Comptroller of Water Rights is hereby directed to issue a conditional licence for storage purpose in respect of the said record and claim.....embodying the following terms and conditions:—

- (a.) The source of the water supply ~~are~~ <sup>are</sup> Drained & Cameron Lakes in Secs. 32 & 33, Tp. 21, R. 18 and the reservoir <sup>s</sup> are the said lakes.
- (b.) The point or points of diversion from the stream or streams, and the points where the stored water is to be placed in and taken from any natural watercourse or any dry gulch or draw is shown in the exhibit marked "A," hereto attached, which is incorporated herewith and made a part hereof, the original of which exhibit is on file in the office of the Comptroller of Water Rights, Parliament Buildings, Victoria.
- (c.) The date from which this licence and the right to store water thereunder shall take precedence is 3rd December 1902
- (d.) The purpose for which the stored water is to be used is that set out in the diversion licence or record.
- (e.) The maximum quantity of water which may be stored under this licence, estimated for the time being at Two Hundred (200) acre-feet per annum, is such quantity as, together with the quantity of natural-flow water used under the diversion licence or record will be necessary to secure to the licensee the quantity to which he is entitled under the said diversion licence or record.
- (f.) The period of the year during which the water may be stored (accumulated) is from the first day of October to the first day of June, but it may be retained in the reservoir until required for use under the diversion licence or record subject to the approval of the Engineer of the Water District.
- (g.) The land, mine, or undertaking on which or in respect of which the water may be used is as set out in the diversion licence or record.
- (h.) The works which are required to be constructed consist of dams at "F" and "R" Water Rights Map 3821
- (i.) The construction of such of the said works as are not complete shall be commenced on or before the first day of June, 1921, and shall be prosecuted with due diligence and in a workmanlike manner and to the satisfaction of the Comptroller of Water Rights.
- (j.) The said construction shall be completed and the water beneficially used for the purpose set out in the licence on or before the first day of November, 1925
- (k.) Before any change is made in the said works which would be a material deviation from the plans as approved or the works as accepted by the Comptroller, plans of such proposed change must be filed with the Comptroller and approved by him.
- (l.) The Board may extend the time for the commencement, resumption, or completion of the construction of said works on being satisfied that it is in the public interest and that it will not injuriously affect the rights of any licensee.  
~~of the construction of said works on being satisfied that it is in the public interest and that it will not injuriously affect the rights of any licensee.~~
- (m.) The licence shall not in any way be deemed to be a final licence for the use of water, but shall have the effect only of a conditional licence issued under Part V. of the "Water Act, 1914," and shall be subject to all the provisions of the said Act including the filing of proof of the completion of the said works and the putting of the water to such beneficial use within the time limited by the provisions of section 117 of the said Act.

3. Pending the issue of the licence hereby authorized to be issued, the terms and conditions of this order shall govern the respective rights of the record-holders or claimants affected thereby.

Made and entered this 6<sup>th</sup> day of April, 1902.

3610-3812  
RECORDED ON  
Map No. 2821  
By R/M

THE BOARD OF INVESTIGATION.

By J. F. Armstrong, Chairman.  
and J. S. F. Alexander, Member. 4641

old Blueprint

4-5-1957

W. H. H. H. H.

ORF 21 532

SUMMARY OF A PROPOSED DISPOSITION OF THE LICENCES  
STANDING IN THE NAME OF THE B.C. FRUITLANDS AND  
KAMLOOPS FRUITLANDS IRRIGATION AND POWER COMPANY.

Jamieson Creek

Diversion: Priority 13th Sept. 1900 for all land S. of Jamieson Creek.  
1st April - 15th October? 14,000 acre-feet?  
Replacing C.L. 6253, pt. 4644, 4648 and 8084.

Priority 14th Sept. 1900 for all land N. of Jamieson Creek.  
1st April - 15th July? 1305 ac-ft. or amount determined on survey.  
Replacing C.L. 4197, 4198 & 4199.

Storage: Priority 13th Sept. 1900 to implement diversion for all land S. of Jamieson Ck.  
1st October - 15th July?  
To cover the following lakes: Richardson, Wenworth - C.L. 4645;  
Alexander - C.L. 4649; Bear, Carlo, Brown, Deep, Horseshoe, Lily,  
Duck, Bob, Rea, Lower Meighan, Upper Meighan Lakes - C.L. 8085.  
Reference could be made to the actually created and anticipated  
capacities of the various sites.

Noble Creek

Diversion: Priority 13th Sept. 1900 for all land S. of Noble Creek.  
1st April - 15th October? say 2000 ac-ft. or amount deemed available.  
Replacing C.L. 6253 pt.

Dairy Creek

Diversion: Priority 13th Sept. 1900 for all land S. of Dairy Creek.  
1st April - 15th October? say 2000 ac-ft. or amount deemed available.  
Replacing C.L. 6253 pt. 4642 & 4646.

Storage: Priority 13th Sept. 1900 to implement above diversion.  
1st October - 15th July covering Isabel (South) Lake C.L. 4643 and  
Noble (North) Lake C.L. 4647 to capacity created or estimated.

McQueen Creek.

Diversion: Priority 13th Sept. 1900 for all land S. of McQueen Creek  
1st April to 15th October? say 2000 ac-ft. or amount deemed available.  
Replacing C.L. 6253 pt. & 4640

Storage: Priority 13th Sept. 1900 to implement above diversion  
1st Oct. to 15th July say 2000 ac-ft. or amount available.  
Covering Drained and Cameron Lakes C.L. 4641 to capacity created  
or estimated.

N. Thompson River.

Diversion: C.L. 8095 reissued as is for 1500 but with new date for P/C as given  
other new licences.

Conveying: Reissue C.L. 6254 to read for all licences reissued except that N. of  
Jamieson Creek.

.....

General:

Diversion and storage licences to issue in the name of B.C. Fruitlands and  
the owners of land described in attached schedule. Conveying licence in  
name of Kamloops Fruitlands Irrigation and Power Co. All licences  
conditional citing works commenced and completion and beneficial use as  
of 1st December, 1950.

Kamloops File 675.  
Serial 046872.

OBSERVATIONS ON KAMLOOPS OFFICE MEMO. of  
12th August, 1941 - File 675 - Re B.C. Fruitlands.

Your remarks as to inconsistencies in the licences and errors in Exhibits were also known here and confirmed.

Assuming the Department and Companies to be in agreement, all licences might be recalled and reissued as Conditional Licences under Sec.13 of the Water Act.

It is gathered that land N. of Jamieson Creek will pass out of Company's control but at present they can still be considered licensees and agree to revamping proposals. This licence to be reissued as a Final Licence unless more than one ownership will be later involved. The date of 13th September, 1900, could possibly be taken as for priority if no objection exists; it is believed to be the date of incorporation of the original company.

The enclosed summary is based on analysis of the stream registers but it would be quite feasible to include all 5 diversions in one licence if so desired and the same remark applies to the storage. An explanatory exhibit could be prepared for each licence.

You will note that in all 26000 ac-ft. gravity water is tentatively noted as total diversion and may require some revision to meet conditions as existing.

You state maximum capacity is approximately 110 acres-feet a day so approximately 20,000 ac-ft. should be in the licences if usual 180 diversion days at capacity is desired or more if period is extended.

It does not matter much what we set the figure at as they pay on use and leaving it about 20,000 will assume that some 6000 acres could be irrigated and that figure will never be reached if it might be borne in mind that in 40 years less than 3000 has been irrigated.

The issuance of new licences should automatically lead to the disappearance of the Certificates of Approval issued and possibly the Company might be disposed to allow the Private Act to be rescinded and function solely under the licences.

You may note it is assumed that diversion to north of Jamieson Creek ceases when storage period ends to imply that freshet water is only so used.

Probably the Company obtained R/W over Crown land where required from the Dominion years ago but if otherwise that matter could be fixed up: but most of main canal appears within Company's original holdings.

Kamloops file 675.  
Victoria file 046872.

*See also, 1908 - 1911  
Plan 28/1st & 2nd, 1912, April 13/12*

BRITISH COLUMBIA FRUIT LANDS COMPANY LIMITED  
a n d  
KAMLOOPS FRUITLAND IRRIGATION AND POWER COMPANY LTD.

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<u>Date</u>	<u>Documents</u>
13 Sept. 1900	Incorporation of Kamloops Irrigation and Power Co. Ltd.
14 Nov. 1902	Certificate of Approval to Kamloops Irrigation & Power Company Limited.
17 Nov. 1902	Licence to Canadian Real Properties Limited to operate in British Columbia.
18 Feb. 1903	Transfer of assets of Kamloops Irrigation & Power Co. to Canadian Real Properties Limited.
25 Mar. 1903	Amended Certificate of Approval.
26 July 1909	Licence to British Columbia Fruit Lands Company to operate in British Columbia.
10 Aug. 1909	Transfer of assets of Canadian Real Properties Limited to British Columbia Fruit Lands Limited. Company
31 Aug. 1909	Incorporation of Kamloops Fruitland Irrigation and Power Company Limited.
21 Sept. 1909	Transfer of water rights (north of Jamieson Creek) from the British Columbia Fruit Lands Limited to the Kamloops Fruitland Irrigation and Power Company Ltd.
21 Sept. 1909	Transfer of water rights (Jamieson Creek and tributaries and other streams) from the Canadian Real Properties and R. W. Ashton (Liquidator) to the Kamloops Fruitland Irrigation and Power Company Limited.
27 Mar. 1910	Private Act.
27 Apr. 1910	Approval of Tolls
8 Sept. 1925	Amendment to Certificate of Approval.
16 March 1927	Agreement between the Kamloops Fruitland Irrigation and Power Company Limited, the British Columbia Fruit Lands Limited, and the British Canadian and General Investment Company Limited, regarding distribution of water between the Company and the User.

PERTINENT POINTS ON THE ABOVE

The above documents show the line of succession as between the Kamloops Irrigation and Power Company, Limited, and the Kamloops Fruitlands Irrigation and Power Company, Limited, and the only question that now arises is that of approval of undertaking and what it includes.

The original scheme of the Kamloops Irrigation and Power Company Limited was a failure, and the present scheme, installed by the Kamloops Fruitlands Irrigation and Power Company, is on a different location, being higher up the stream and at a greater elevation throughout. Query: Is this covered by the original Certificate of Approval and the amendment thereto?

If the original works were a failure, of what value would the agreement between the Canadian Real Properties Limited and purchasers of land from it be worth, providing such purchasers still stand by the old agreement?

Why did the Board separate into two separate categories the rights, privileges, etc., transferred by the Canadian Real Properties Limited to the Kamloops Fruitlands Irrigation and Power Company Limited?

## BRITISH COLUMBIA FRUITLANDS LIMITED.

Kamloops, B.C.,

Storage Lakes.

Carlo	40	acre	feet
Brown	40	"	"
Bear	5	"	"
Horseshoe	Nil		
Lilly	Nil		
Duck	90	"	"
Bobs	Nil	"	"
Rea	300	"	"
Lower Meighen	50	"	"
Upper Meighen			

Good possibilities

Included in above but capable  
of considerable development in  
conjunction with Lower Meighen

Wentworth	3000	"	"
Alexander	300	"	"
Richardson	Nil		

Shallow and lying high.



March 6, 1948

B.C. Fruitlands Irrigation District  
Box 90  
Kamloops, B.C.


Please refer to file No. 046872.

Dear Sirs:

The hearing of the objection of the Kamloops Fruitlands Irrigation and Power Company Limited to the proposed cancellation of Conditional Water Licence No. 15224 has been postponed to Tuesday March 23rd at 10 o'clock in the forenoon.

Yours very truly,

JML:KS

  
Deputy Comptroller of Water Rights.

*At Mr Vercheres request*

*A. G. Farrow*  
March 3, 1948

Kamloops, Fruitland Irrigation and Power Company Limited  
c/o Henry L. Morley, Esq.  
Barrister, etc.  
Kamloops, B.C.

Please refer to file No. C46872.

Dear Sirs:

With reference to the notice of cancellation issued on September 30, 1947 respecting Conditional Water Licence No. 15224 held by you and your letter of October 2, 1947 I now fix March 15, 1948, at 10 o'clock in the forenoon as the date and time, and my office in the Parliament Buildings here, as the place for the hearing of your objection to the proposed cancellation of the said licence.

Yours very truly,

*R. C. Farrow*

(R.C. Farrow)  
Comptroller of Water Rights.

JEL:KB

## DEPARTMENT OF LANDS AND FORESTS

VICTORIA, B.C.

## "W A T E R   A C T, 1939."

(Section 18.)

IN THE MATTER OF    Conditional Water    Licence No. 15224

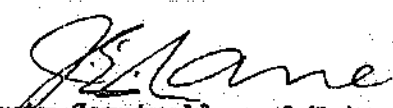
dated January 21st, 1942    , granted to The Kamloops Fruitland Irrigation and Power Company Limited  
 authorizing the carriage and delivery of the water authorized to be diverted, stored and used under Conditional Water Licences Nos. 15216, 15217, 15218, 15219, 15220, 15221, 15222, and 15223  
 for Conveying    purpose on the land on which water may be used under the aforesaid Conditional Water Licences.

WHEREAS it appears that the above-mentioned licence has become subject to cancellation:

YOU ARE HEREBY NOTIFIED that I propose, unless cause to the contrary is shown on or before the 2nd    day of December, 1947  
 to cancel the said Conditional Water Licence No. 15224.

The said licence has become subject to cancellation by reason of the failure by the licensee to comply with clause (d) a term or condition of the licence.

DATED at Victoria, B.C., this 30th day of September, 1947.

  
 Deputy Comptroller of Water Rights.

TO: Kamloops Fruitland Irrigation & Power Co., Ltd.  
 c/o Fulton, Morley and Verchere, British Columbia Fruitlands Limited,  
 Barristers Etc., c/o Fulton, Morley & Verchere, Barristers, Etc.  
 Kamloops, B.C. Kamloops, B.C.  
 Major A. E. McMilligott, Kamloops, B.C.  
 A. C. Hatten, Provincial Bld., Columbia St.,  
 Kamloops,

(REGISTERED)

May 20, 1946.

John Desmond, Esq.,  
R. R. No. 1,  
Hunkalo, B. C.

Dear Sir:

Please refer to File No. 0159241.

Your letter of the 13th instant reporting on the recent meeting of the North Hunkalo and District Irrigation Water Users Association was received.

Since writing you on the 28th ultimo, an action has been brought in the Supreme Court for a declaration that the Lieutenant-Governor in Council has no authority to name the first Trustees of a District.

While it is expected that the action will be dismissed it is thought advisable to set out in the letter patent the provisions for holding an election. It will therefore be necessary to have your Committee name a returning officer. It should be someone who will not be a candidate for the office of Trustee and preferably someone who has had some experience in election matters. His full name and address is required.

Yours very truly,

Deputy Comptroller of Water Rights

J.J./L.

April 28, 1946.

John Haggan, Esq.,  
R. R. No. 1,  
Kamloops, B. C.

Dear Sir:

Please refer to File No. 0159241.

Your letter of the 16th instant has been received.

The next item relative to incorporation is whether it is advisable to have the first Trustees chosen before or after incorporation. The usual practice is to have them chosen before incorporation and named in the letters patent. This obviates the necessity of having to prescribe in the letters patent the provisions respecting the appointment of the Returning Officer and his duties.

Copies of the letters patent of the Ellison Irrigation District and the Redrock Interworks District are enclosed for your information.

If your Committee prefers having the Trustees named in the letters patent call a meeting of the owners affected and have them choose three or five Trustees, one or two for three year terms, one or two for two year terms and one for a one year term, and let us have their full names and terms of office.

If you prefer the other method of electing the Trustees, choose a suitable person for Returning Officer, ascertain whether he is willing to act and let us have his full name.

Yours very truly,

Deputy Comptroller of Water Rights.

J.H.H.  
Encl.



VICTORIA, B.C. May 15, 1946.

DEPARTMENT OF LANDS AND FORESTS  
WATER RIGHTS BRANCH

Memo:

A. G. Hatton, Esq.,  
Kamloops, B. C.

Please refer to File No. 0159241.

Your memo of the 14th instant has been received.

In view of the possible default of the B. C. Fruitlands Company, it seems to me that unless they have already done so, the water users committee should seek legal advice as to their position in the event of the Company failing to get the pumps into operation when they are required:

If the District is incorporated Section 67 of the Act may afford some protection, but it would require legal action to enforce it should the Company refuse to give up control of the works.

The Public Utilities Act provides that the Commission can take control, but I would expect the members of the Commission would not be prepared to give any assurance beforehand that they would take such action.

Have any of the users paid the 1946 tolls yet?

*E. Davis*

Comptroller of Water Rights.



0159241

675A

515 Columbia Street,  
Kamloops, B.C.  
May 14th, 1946

B.C. Fruitlands

Memo:

E. Davis, Esq.,  
The Comptroller of Water Rights,  
Parliament Buildings,  
Victoria, B.C.

A meeting of the Land owners under the B.C. Fruitlands system was called for by advertisement at 8.0 p.m. in the North Kamloops Hall yesterday, the 13th, for the purpose of electing Trustees for the Improvement District.

The special sub-committee of five members appointed to prepare the petition for the district were elected en block as Trustees.

I attended the meeting and beforehand was instrumental in getting an invitation extended to Major McElligott.

He called at this office in the fore-noon and told me the funds he had in hand were insufficient to carry on much longer than the end of the month, while money in the Trust Account here could not be released without his Principals authority from London.

To date that authority was not to hand, and some \$1300.00 would be needed any day to meet the stand-by charge payable to the B.C. Electric before the pumps could be put in operation.

Major McElligott addressed the meeting and very lucidly outlined the present circumstances and said he had expected to get the word from London before this date.

Memo: B.C. Fruitlands, Cont.

He had approached the Bank, but a loan had been refused, although the Manager will be willing to advance such on application by the Trustees, if I would give the assurance ~~in~~ in the interim that the Trustees elected would be O.K.'d by Victoria with their names incorporated in the letters patent for the District.

Mr. John Desmond, Secretary for the growers will be forwarding a full account of the meeting's proceedings.

ACH:PW

Acting Engineer.



0159241

675A

515 Columbia Street,  
Kamloops, B.C.  
April 11th, 1946

B.C. Fruitlands

E. Davis, Esq.,  
The Comptroller of Water Rights,  
Parliament Buildings,  
Victoria, B.C.

With regard to the petition for incorporation of the B.C. Fruitlands Irrigation District and your memo of the 6th instant.

Of the 2522.0 acres signed for on the petition probably 80% of this is irrigated while our latest estimate of the total actually irrigated was 2748.0 acres, but this figure is subject to correction, see my memo of Feb. 12th last.

I contacted Mr. George McGillivray, a member of the Growers Committee and he informed me that as far as he knew no owner that was approached refused to sign the petition. He also said that he did not think there would be any objection to the change in the name to Kamloops Irrigation District, which point he would bring before the Committee. The original was worded by myself and the Committee adopted it as written.

Regarding the description of the area I cannot see how it can be abbreviated and had given some thought to it before. To describe it as Blocks A, B, C and D, R.P. 285, would mean excluding so many parcels as to make the description as lengthy as that under the Conditional Licence.

In the initial Letters Patent it would appear that the full area under the system should be included. When the District is formed the Trustees can then take under advisement the exclusion of any parcels it seemed fit to recommend, then with the necessary consent have the Letters Patent so amended. It is a round-about way but can see no other way out of it.

Memo: B.C. Fruitlands (Cont.)

The question of service to the Sub-Divisions in North Hamloons will be complicated, at the present time some seventy users with small areas pay a flat annual toll, while other would be users have been refused service owing to the original system not being laid out for such a service.

I am forwarding under separate cover two white prints, one composite plan 300 ft. to an inch showing the lands below the pumps, while the other 20 Chains to an inch covers the northern area above the pumps. These prints are numbered in red figures on the various parcels coinciding with the number against the signature on the petition so it can readily be seen where those lands are.

The return of these prints or duplicates will be appreciated as they are the only ones on file here.

AGH:PW

A.G. Hatton  
Acting Engineer  
per



VICTORIA, B.C. April 6, 1946.

DEPARTMENT OF LANDS AND FORESTS  
WATER RIGHTS BRANCH

Memo:

A. G. Hatton, Esq.,  
Kamloops, B. C.

Please refer to File No. 0159241.

The petition for the incorporation of the B. C. Fruitlands Irrigation District has been received.

The area proposed to be included is the land set out in Conditional Water Licence No. 15216. The description of this area is very lengthy and I wonder if it could not be abbreviated.

The petition appears to be well signed, but I do not know what proportion of the irrigated lands under the system is represented by the petitioners. Can you supply this and can you find out what opposition to the petition may be expected? If any owners who were approached refused to sign the petition it might be advisable to require the publication of a notice in a local paper fixing a date for filing objections. Since the organization committee probably has no funds at its disposal I would prefer not to direct advertising unless it appears that some owners may not know of the proposed incorporation or have indicated opposition to it.

With regard to the name chosen by the Committee it seems to me that Kamloops Irrigation District would mean more to people outside the area affected. As you know there are many irrigation districts that have been named after nearby cities and towns which to my mind helps to identify them. The matter is not important and if the members of the Committee show a decided preference in the matter their views will be given effect to.

If you have the time I wish you would see what you can do with the description of the area and possibly prepare a plan showing your suggestions.

*E. Davis*

Comptroller of Water Rights.



VICTORIA, B.C. February 15, 1946.

DEPARTMENT OF LANDS AND FORESTS  
WATER RIGHTS BRANCH

Memo:

A. G. Hatton, Esq.,  
Kamloops, B. C.

Our File No. 046872 - Your File No. 675A.  
B. C. Fruitlands,

Your memo of the 12th instant together with Mr. Claxton's report is duly to hand. Many thanks for obtaining a copy of the report, it is very illuminating.

Referring to the data with your memo, you give an area now irrigated as 2,748 (823 plus 1,925) - whereas the Company submitted the figure of its statement of acreages for rental purposes as 2,332 - why the difference? Your other figures indicate that the capacity of the pumps is sufficient to serve 1,925 acres, giving the lands 35% of their total yearly requirement during July. The inference drawn is that to serve the 2,215 acres below the pumps a capacity of 6,315 acre-feet in 24 hours is necessary. This means an increased capital expenditure to serve the 290 acres of land not irrigated at present.

Referring now to Mr. Claxton's report, a copy of which your memo indicates you have on file, it would appear that there was a thought in his mind that the interest on advances in Expenditures, Exhibit "A" should not have been included, as in Exhibit "B" last column, the operating profit without interest is tabulated. This in my opinion is correct, as I would not think that a Receiver is entitled to any preference in the way of interest, on any advances he would make to maintain the value of an asset. The principal criticism I would make of the report is the remarks in the last two paragraphs of his letter to Major MacElligot. Depreciation of a system is an operating expense and its amount is not governed by the operating surplus as one might infer from the last but one paragraph on page 2. I am sure Mr. Claxton realizes this as the last paragraph sets out that the amount of depreciation can only be settled by an appraisal. The very small amounts of depreciation written off is absurd for a system which contains so many perishable structures. In my report on this system made in 1923 there is a table on page 13 which gives the depreciation written off from 1913 to 1922. These are also for amounts which do not appear to represent the annual depreciation of the structures, indicating that the figures are really book entries where in my opinion such depreciation should be based on appraisals and the physical condition of the structures.

Referring to the third column but last of Exhibit "B" the revenue which could be obtained if \$4.50 per acre-foot was charged suggests that in 1944 it would have been sufficient to meet the operating expenses (including interest on the Receiver's advances) as set out in Exhibit "A". Had an adequate depreciation allowance been provided for, it would not have done so. In respect to what should be a normal depreciation allowance, which should have been provided for when the system was installed, <sup>this</sup> could be estimated if one had a complete inventory of the perishable structures but in view of the fact that many of these structures are close to the end of their useful life, such an estimate of an allowance at this time is of very little value. What the Company has to consider is what new money has to be found to make good the depreciated parts of the structures; if this is found from an outside source and interest must be paid thereon, it is very evident that the revenue obtained from the \$4.50 per acre-foot rate would be inadequate without considering at all any return on the capital shown as an asset in the Balance Sheet. It is this phase of the question which must be considered when looking toward the future operation of the system and Mr. Claxton does not draw this matter to attention. Apparently he had been requested by Col. Newcombe to report on the financial position, but does the report indicate what may be the value of the share holders' money from an earning standpoint?

Shall be pleased if you will keep me in touch with any developments.

*E. Davis*

Comptroller of Water Rights.



046872  
675A

515 Columbia Street,  
Kamloops, B.C.  
Feb. 12th, 1946

### B.C. Fruitlands

Memo:

A. Davis, Esq.,  
The Comptroller of Water Rights,  
Parliament Buildings,  
Victoria, B.C.

By the courtesy of the local Manager, Major A.S. McAlligott, copies were made in this office of a recent special report by Mr. Arthur Claxton, C.A., on the undertaking of the Kamloops Fruitland Irrigation and Power Co. Ltd. for the years 1931 to 1944 inclusive.

In view of the probability of an Improvement District being formed, this report will be of value and enclose a copy for your files.

Attached also for your information is a summary of the approximate areas irrigated under the system. The 1925 acres shown below the pumps should be a close figure, likewise the 200 acres irrigable, as they are totaled from the various lot acreages off the registered plans with an estimated deduction by Major McAlligott for worthless areas on these lots. The acreage above the pumps is taken from figures on file so cannot vouch for them.

As nearly as can be determined from figures in the report, less than 2 acre feet per acre were used over the whole irrigated area.

A survey of the questionable area above the pumps would prove this one way or other and give needed valuable data.

AGH:FW

Acting Engineer.

C O P Y

REPORT OF PUBLIC MEETING

A largely attended public meeting of the Irrigation Water Users of North Kamloops, Brocklehurst and Westsyde was held in the North Kamloops Liberal Hall on the evening of 29th November for the purpose of discussing irrigation problems concerning their respective localities. At the request of those present, G.H. Hilliard and J. Desmond acted as chairman and secretary respectively, of the meeting.

From the general discussion which ensued it was clear the meeting felt that while B.C. Fruitlands Power and Irrigation Company failed to keep pace with the increased demands made upon it in recent years, this was in no measure due to any want of endeavour on the part of the management and staff but rather to lack of interest on the part of owners of the outfit whose knowledge of the layout is limited to what is conveyed to them on paper.

Following the above discussion, it was proposed and seconded that a permanent water users organization of nine members (three from North Kamloops, three to represent Brocklehurst and three to represent Westsyde) be formed, said organization to be known as "North Kamloops and District Irrigation Users Association".

It was also decided by meeting that this committee draw up a Petition for presentation to Public Utilities Board, study irrigation conditions generally as they affected the localities in question and report to a further general meeting of water users at a later date.

The meeting went on record as opposing any increase in existing irrigation rates.

The committee of nine was then selected as follows:-

North Kamloops-	John Tymich, John Graib and Chris Stephens
Brocklehurst-	George McGillivray, Sucha Singh and John Desmond
Westsyde-	R. Bourns, J. Hay and R. Clearwater

The meeting then adjourned.

Subsequently on the same evening the committee got together electing as Chairman R. Bourns and as Secretary, John Desmond. The Chairman and Secretary were deputed for the drafting of the Petition.

Adjourned.

---

Secretary.

NORTH KAMLOOPS & DISTRICT IRRIGATION USERS  
ASSOCIATION

R.R. #1,  
Kamloops, B.C.  
Dec. 3rd, 1945

The Public Utilities Commission,  
Province of British Columbia,  
Victoria, B.C.

Dear Sirs:

The Committee of above Organization having been regularly constituted and directed as per attached report, wish to submit the following statements; on behalf of above Association, relative to their dissatisfaction with Irrigation conditions in their District:-

The Irrigation System composed of a main ditch some 14 miles long with the usual pipelines, large and small, incidental to such a setup, is owned by B.C. Fruitlands Power & Irrigation Company.

The capacity of the main ditch is not equal to the demands upon it during peak months of July and August, while the entire system has deteriorated generally in recent years. This deterioration is not due in any way to management or staff inefficiency, but rather to absentee ownership, and loss of incentive on the part of owners. The Irrigation Company formerly owned most of the land served by the project in question. As the type of service to be had from the Irrigation Company weighed with prospective purchasers of land, now that almost all the land has been sold, that incentive to efficiency does not exist to such a marked degree.

The entire system is at present menaced by two major hazards:- (1) Between Westsyde and Jamieson Creek (source of main water supply) there is a considerable length of syphon of not very substantial quality. A serious break at this point during a hot spell would cause irreparable loss to the farmers whose only supply is what reaches them through this bottleneck. As a matter of fact, a minor break, which occurred in the past season, did cause considerable inconvenience and loss.

About two-thirds of the way down the main ditch, the flow of water is augmented by two, sometimes three, electric pumps housed on the North Thompson River. This constitutes hazard No. 2. Should these pumps be destroyed, either by accident or design, during irrigation season, the consequences would be disastrous for approximately two-thirds of the farmers in the entire area. To add to this hazard, no plans exist for quick replacement.

The closely settled district of North Kamloops is served by a single pipe line, laid when the area contained only 200 inhabitants. Right now it has a population of some 2000.

The Irrigation District is comprised of somewhere twenty and twenty-five thousand acres of prime fruit and vegetable producing land, home of Canada's finest McIntosh apples and field-grown tomatoes. The cash value of fruit shipped here in the past two years, averaged \$137,694.00 while the vegetables, same period, showed a shipping value of \$81,384.00. Canned tomatoes gave a two-year average in cash of \$52,000.00.



The Public Utilities Commission, (Cont.)

We wish to point out that this irrigation area supplies all of the fruit shipments from Kamloops, and two-thirds of all the tomatoes grown in the District.

It is imperative that immediate action be taken in this matter, in order that the crop for 1946 in this large and important area may be cared for and brought to proper maturity.

Signed on behalf of the North Kamloops & District Irrigation Users Association

President

\_\_\_\_\_

Secretary

\_\_\_\_\_

048672 #2  
675

Kamloops,

March 10th, 1942.

Memo:-

E. T. Hodgkinson, Esq.,  
Chief Draughtsman,  
Water Rights Branch,  
Victoria, B. C.

Yours of the 4th inst. re right-of-way  
for the B. C. Fruitlands Co. to hand.

Would suggest that the lengths of the  
various pieces of right-of-way be according to that  
shown on W. R. Plan 1261, Kamloops P.H. The figures  
submitted by the Company were furnished by me from  
another map; all plans available vary.

Engineer.



VICTORIA, B.C. March 4, 1942.

DEPARTMENT OF LANDS  
WATER RIGHTS BRANCH

MEMO: C. Varcoe, Esq.,  
Provincial Building,  
Columbia St.,  
Kamloops, B.C.

Please refer to file # 048672#2  
Your file #675.

With reference to yours of the 26th ultimo, W.R.  
Plan 1261, Kamloops P.H., probably was a traverse as there  
are several small pin points on the tracing, but the field  
notes are not on file here.

The difference in the location of the ditch as  
shown on the above plan and R.P. 285, Kamloops is explained  
in yours of the 16th ultimo.

There is also a difference in the length of Right-  
of-Ways required by the Company on their application for  
same, dated 2nd February, 1942, and the scaled lengths of  
the ditch on plan 1261.

Unless we hear from you, or the Company to the contrary,  
within two weeks, we will prepare a Right-of-Way easement over  
Crown Land based on Plan 1261, taking the Company's lengths and  
width as correct, and will also protect the balance of the ditch  
shown on that plan, and covered by licence, against future Crown  
land disposals.

Yours truly,

*C.T. Hodgkinson*

ETH/T.

Chief Draughtsman.

February 13, 1942.

A. E. McElligott, Esq.,  
Manager,  
Kamloops Fruitland Irr. & Power Co. Ltd.,  
Kamloops, B. C.

Dear Sir:

Please refer to file 046872,  
re Right-of-Way for above Company.

With reference to your application for Right-of-Way over Crown Lands, dated 2nd February:

On the attached prints have been shown in red the location of the Right-of-Way taken from our print of Registered Plan 285, Kamloops. As these distances do not agree with those on the above application, will you please show in ink, on these prints, the location of the Right-of-Ways required--so that we may protect them against any land alienation, as it is impossible to do so unless we have this information.

You may already be partially protected for Right-of-Way by Registered Plan 285 and it would be as well to check this at the same time.

Yours very truly,

ETH/G

Comptroller of Water Rights.

encls.

Feb. 16th, 1942.

Kamloops Fruitland Irr. & Power Co.

Memo:-

Comptroller of Water Rights,

Victoria, B. C.

Registered Plan 285 was registered in Oct. 1925 showing a ditch line that was not tied in to any corner by measurement or bearing. The present ditch is the third and it differs with that shown on Plan 285. The plan from which I took the measurements submitted by Mr. McElligott was on file in this office when I came to Kamloops and the original tracing was made by Mr. Marriott, or so I believe. Whether the plan was made from a survey or compiled from others I do not know. Perhaps Mr. Marriott remembers. At any rate it appears that the existing plans in the Land Registry office are not in accordance with the situation on the ground as far as the location of the ditch is concerned.

There is a plan made by Mr. C. R. Yuill in 1923 which appears to show the location of the ditch as it stands at present. Mr. McElligott has written for copies of the same and I have suggested that he ask Mr. Yuill for a copy of his field notes. If these can be obtained it should be sufficient for the purpose. If you see fit you might take this matter up with Mr. Yuill. From his plan it appears that a traverse of the entire ditch and several of the laterals was made.

Engineer.

" A "

Land required by Kamloops Fruitland Irrigation  
and Power Company Limited for Right-of-Way purposes.

About 2600 feet across	S.E. $\frac{1}{4}$ Sec. 16, Tp. 22, R. 17
" 5500 "	E $\frac{1}{2}$ " 9 " 22 " 17
" 500 "	L.S. 14, " 4 " 22 " 17
" 1600 "	L.S. 3 & 4 Sec. 4, Tp. 22 R. 17
" 700 "	L.S. 11 Sec. 29, Tp. 21 R. 17
" 1450 "	L.S. 6 " 29 " 21 " 17
" 5400 "	W $\frac{1}{2}$ " 20 " 21 " 17
" 550 "	L.S. 9 " 18 " 21 " 17

1830 A

KAMLOOPS FRUITLAND IRRIGATION & POWER CO. LTD.



C.V. 8 in front of the above 2 have been marked & no one has checked  
(the first for Kamloops too) am sending this in the rough - we  
only require one copy. -  
If there are any works on the tributary diversions into the  
main - all from Jamieson or for hams, Dairy or  
McLennan & Co they would be included  
Note R/W - Plan 285 varies from 50' to 125' (seems large).

PROVINCE OF  
BRITISH COLUMBIA.

WATER RIGHTS BRANCH.

DEPARTMENT OF  
LANDS.

Petition for a Right-of-way over Provincial Crown Lands  
under Section 47 of the "Water Act."

TO THE HONOURABLE THE MINISTER OF LANDS:

1. The petition of B.C. Fruit Lands Ltd sheweth that your petitioner has applied for the  
diversion of \_\_\_\_\_ of water from Jamieson for irrigation  
purpose. as been used to canal covering these diversions

2. That your petitioner applies for a right-of-way over certain Crown lands situate in the  
Kamloops Land District.

The length of the right-of-way required is 17250'  
The breadth of the right-of-way required is ?  
The area of the right-of-way required is ? ac  
The nature of the works on the right-of-way is canal bases planar & others?

Particulars of the  
land is given  
attached sheet marked  
A

3. That overleaf on this petition is already on file is a plan which shows the location of the right-of-way.

4. That your petitioner agrees to pay the Crown in the right of the Province for the use of the  
said right-of-way such sum per acre per annum as may be determined, and agrees to pay to the  
Crown in the right of the Province for such timber as he may cut or carry away from the said right-  
of-way the royalty as provided for under section 56 of the "Forest Act," and to the payment by way  
of stumpage as may be determined, and pay in respect of timber submerged by flooding such sums  
as may be determined.

AND YOUR PETITIONER PRAYS that a permit authorizing such entry on the said lands as  
may be necessary for the said purpose may be issued to him as provided by section 48 of the said  
"Water Act."

Dated at Kamloops, this \_\_\_\_\_ day of February, 1942

INSTRUCTIONS: (See overleaf.) \_\_\_\_\_  
Petitioner.

FOR OFFICE USE ONLY.

of \_\_\_\_\_ Licence No. \_\_\_\_\_  
Occupied Crown lands: Length \_\_\_\_\_ feet; width \_\_\_\_\_ feet; area \_\_\_\_\_ acres;  
Unoccupied Crown lands: Length \_\_\_\_\_ feet; width \_\_\_\_\_ feet; area \_\_\_\_\_ acres;  
across the Crown lands known as \_\_\_\_\_

Date of issue \_\_\_\_\_ Annual rental \_\_\_\_\_

No. \_\_\_\_\_ W.R. Map \_\_\_\_\_ Ref. Map \_\_\_\_\_  
[Over]

Jan. 23, 1942.

Memo:

Water Recorder,  
Kamloops, B. C.

Please refer to File 046872.

Please note that the following Conditional Water Licences standing in the name of the B. C. Fruit Lands, Ltd., have been cancelled: C.L. 4197, 4198, 4199, 4640, 4641, 4642, 4644, 4645, 4646, 4647, 4648, 4649, 6253, 6254, 8084, 8085 and 8095.

They have been surrendered and reissued under Conditional Licences 15216-15226, inclusive.

Herewith please receive by favour of our Kamloops office your copies of the new licences, together with rental sheets.

E. Davis.

Comptroller of Water Rights.

Per

KD:hh  
Encs.



Jan. 23, 1942.

A. E. McElligott, Esq.,  
 B. C. Fruitlands, Ltd.,  
 P.O. Drawer 60,  
 Kamloops, B. C.

Dear Sir,

Please refer to File 046872.

Herewith please receive by favour of our Kamloops office certified copies (in duplicate) of the following Conditional Water Licences issued in accordance with the disposition arrived at some months ago:

C.L.15216, Jamieson Creek,	14,000 ac-ft. diversion
15217, "	Storage for 15216
15218, Lanes (Noble) Creek,	2,000 ac-ft. diversion
15219, Diary Creek,	100 ac-ft. diversion
15220, "	Storage for 15219
15221, McQueen Creek,	100 ac-ft. diversion
15222, "	Storage for 15221
15223, N. Thompson River,	1,500 ac-ft. diversion
15224, Conveying Licences covering C.L.15216-23 inclusive (in name of Kamloops Fruitlands Irrigation & Power Co., Ltd.)	
15225, Jamieson Creek,	1,000 ac-ft. diversion
15226, "	177.5 "

The above licences replace and supersede all previous conditional licences held by your company and the Kamloops Fruitlands Irrigation and Power Co., Ltd.

Attached to C.L.15225 and 15226 are rental statements for 1942; rentals for the other licences will be adjusted in due course when we have obtained information on last year's use on which to base this year's rental. We shall write you in this regard later on.

We thank you for your co-operation in bringing these matters to what we hope is a satisfactory issue.

Yours very truly,

E. Davis.

Comptroller of Water Rights.

Per



VICTORIA, B.C. Nov. 13, 1941.

DEPARTMENT OF LANDS  
WATER RIGHTS BRANCH

Memo:

C. Varcoe, Esq.,  
Kamloops, B. C.

File 046872. Your File 675.  
B.C. Fruit Lands Ltd., et al.

Your memo. of the 7th is to hand and contents noted. Regarding the location of the Lakes, several of these are not shown in the latest topographical or other plans available to us. However, from local knowledge you or Major McElligott may be able to supply us with reasonably accurate information as to location and we accordingly enclose a copy of the proposed plat for the storage on which please indicate any such information relative to these sites.

Clause (g) in the diversion licences (gravity) is being amended to read as follows:

"6000 acres within the area supplied from the main irrigation canal, being the lands described in Exhibit "B" hereto attached." (We will use the list accompanying your memo. of the 7th.)

Clause (9) in the diversion licence (pumping) is being amended to read as follows:

"that area of land described in Exhibit "B" hereto attached being capable of being supplied with water at or below the point where it is pumped into the main irrigation canal."

It is further noted that licences should read: "British Columbia Fruit Lands, Limited," and "The Kamloops Fruitlands Irrigation and Power Company, Ltd."

A copy of this memo. is enclosed for Major McElligott for his information as to amendments made in the drafts as approved by him.

E. Davis.

Comptroller of Water Rights.

KD:hh

Per RD

046872 # 2  
675

Kamloops

November 7th., 1941.

B. C. Fruitlands et al Licencees.

Memorandum:-

Comptroller of Water Rights,  
Parliament Buildings,  
Victoria, B. C.,

In reply to your memo. of the 31st.,  
ult., I would advise that the Lakes in question  
are shown on C.L. 8085. A composite map of plats  
attached to C. L's 4641 ( Drained & Cameron Lakes)  
4643, ( North & South Lakes) 4645, (Richardson &  
Wentworth Lakes) and 4649 (Alexander Lake) in  
addition to that attached to C. L. 8085 will  
complete the picture.

The question of what lands are appurtenant  
to the project are somewhat indefinite. Recognizing  
the fact that Registered Plans are subject to  
cancellation and change from time to time, any  
description by Registered Plan would be subject  
to error, and it appears that the original description  
of the properties must be adopted. To determine  
the exact description of all parcels originally  
under the project is again a difficult matter. The  
description of the lands involved in the order-in-  
council approving of the project is limited to  
"lands along the route of the ditch". The original  
R.P. No. 285 showing certain sub-divisions and the  
ditch does not give a description of the lands  
included in the sub-division plan. (This is probably  
the one plan out of over 7000 in the local Land Registry  
that falls in this respect) We have an undated plan  
on file in this office which was apparently compiled  
by Mc Marriott many years ago. ( I believe it was on

file when I came to Kamloops in 1916) This Plan apparently covered all the lands claimed by the Company. I have checked the same with some of the early Registered Plans, viz; Nos 285, 1105 and 2456 and it appears to cover the lands covered by the original sub-divisions. A list of the Lots, Sections etc., is enclosed herewith and it would appear that it could be attached to the licences as an Exhibit, in a similar manner to the lists attached as Exhibit "C" to several of the original licences, 4640, etc., It is noted in the said lists that some of the properties were entirely overlooked. In the list I have compiled some tiny fractions adjacent to the river and now perhaps in the river have been left out, also some areas above the ditch.

There appears to be no reason for excluding the Kamloops Air Port but every reason for including it. Should the Air Port be used to any extent it would be necessary to irrigate it to retain the sod surface and to keep it from cutting up, without considering the dust element.

The clause "C" of draft as approved by the Company and its solicitor is to be adopted. The registered name of the land Company is "British Columbia Fruitlands Limited"; that of the irrigation company, "The Kamloops Fruitlands Irrigation and Power Company Limited"

Two separate words i.e.,  
Fruit Lands

Major Mc Elligott has been given an opportunity to check over the list of properties quoted and has endorsed the same with the stamp of the Company and his signature.

CV:LeB.

District Engineer.

Encl.



THE GOVERNMENT OF  
THE PROVINCE OF BRITISH COLUMBIA

October 31, 1941.

DEPARTMENT OF LANDS  
~~WATER BOARD~~  
VICTORIA, B.C.

MEMO:

C. Varcoe, Esq.,  
Kamloops, B. C.

Our file 046872<sup>#2</sup>. Your file 675.  
B.C. Fruitlands, et al, licences.

With reference to the last paragraph of yours  
of the 15th instant:

Enclosed is a print of the plat for the above,  
on which will you please mark the locations of the required  
lakes (and natural water courses to the known creeks).

The draft copies for the licences describing  
the appurtenant lands do not appear to have been checked with  
the Kamloops Land Registry Plans. Blocks A, B, and C, are shown  
on R.P. 285, but neither R.P. 285, 1105, nor 2456 show, or men-  
tion, Block "D". Most of Block "A", R.P. 285, has been cancelled  
by R.P. 1442 and it was having in mind that R.P. 285 was an old  
subdivision plan and probably had many cancellations, etc., (as  
also may have Plans 1105 and 2456) that I suggested clauses (2)  
or (3) as follows:-

- (2) 6000 acres of the area supplied from the main irrigation canal  
being portions of R.P. 285, 1105, 1857, 2456 and 2534 including  
all resubdivisions of same (but excluding the Kamloops Air Port)  
Kam.L.R.D. being parts of District Lots, Sections etc. within  
Tps. 20, 21 & 22, Ranges 18 & 17, W. of 6th Mer.
- (3) 6000 acres of the area supplied from the main irrigation canal  
being portions of District Lots, Sections etc. within Tps. 20, 21  
& 22, Ranges 18 & 17, W. of 6th Mer. (excluding the Kamloops Air Port).

Should it be desired to still retain clause "G" of draft,  
as approved in yours of the 15th, will you please check this descrip-  
tion in L.R.O. so that the licences maybe accurate.

E. DAVIS,  
Comptroller of Water Rights.

ETH/G

Per: *ETH*



046872

675

Kamloops

October 15th 1941.

B. C. Fruitlands Limited.

Memorandum

Comptroller of Water Rights,  
Parliament Buildings,  
Victoria, B. C.,

I am returning herewith draft copies of Licences approved by the B. C. Fruitlands Ltd., and initialed and signed by Major McElligott and Mr. Morley.

The first alternative for Clause G is approved by the same parties.

With reference to the two licences North of Jamieson Creek it is recommended that Proof of Completion be limited to the end of December 1945 instead of 1950. While we made a Final Licence Survey, it is apparent that only small portions of the irrigable areas are being brought in and unless the extension is granted it would force the purchaser of one of these properties to immediately re-apply for further water and there seems to be no reason for this course.

I do not think there should be any unnecessary bother over the plats showing the main system. The plat accompanying C. L. No 8085 is fairly comprehensible and only Blocks C and D would have to be added to it. To the Noble and Dairy Creek plats the appurtenant land could be such lands as would be South of the said creeks. The lake shown on C. L. 4644 could be readily added to that shown on the plat accompanying C. L. No 8085.

By limiting the plats to the appurtenant land as approved, namely the lots comprising Blocks

A.B. C and D. there will be no difficulty in drawing the plat. Many subdivisions have taken place being subdivisions of the original registered plans, and no plat could be entirely up to date for any length of time if an attempt to show all the recent subdivisions was made.

If the draughting room staff have any trouble, please let us know and we will help them out.

CV:LEb

District Engineer.





VICTORIA, B.C. Oct. 8, 1941.

DEPARTMENT OF LANDS  
WATER RIGHTS BRANCH

Memo:

C. Varcoe, Esq.,  
Kamloops, B. C.

Our File 046872. Your File 875.  
B.C. Fruitlands Ltd.

Further to your memo. of the 29th ult., enclosed as requested for correction of any errors and oversights are the drafts of the following licences:

Jamieson Creek	- diversion
"	- storage
Noble Creek	- diversion
Dairy Creek	- diversion
"	- storage
McQueen Creek	- diversion
"	- storage
N. Thompson R.	- diversion

Conveying - covering all above licences (which will not need a plat).

Jamieson Creek - two licences for land north of creek.

You will observe that item g has been omitted from four diversion licences since several alternatives seem to exist: these have been set out in a separate sheet and advice on the one decided on is asked.

Probably items in h may require alteration in some instances.

If final licences are in order for land north of Jamieson Creek, this could be attended to if surveys are available.

Regarding plat it is hoped to make one base one suitable for all licences, but it has been found impossible to use any of the old ones as a base since the area has been resurveyed and many changes exist. However, if you wish a copy, it will be sent for examination when ready.

2.

C.V.

When enclosures are checked, altered if necessary, and  
initialled by you, they will be deemed ready for issue.

E. Davis.

Comptroller of Water Rights.

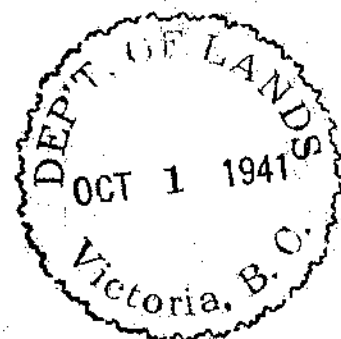
Per *ED*.

KD:hh



VICTORIA, B.C. Sept. 23, 1941.

DEPARTMENT OF LANDS  
WATER RIGHTS BRANCH



MEMO:

C. Varcoe, Esq.,  
Provincial Government Bldg.,  
515 Columbia Street,  
Kamloops, B. C.

Please refer to File No. 046872.  
Your File No. 675.  
B. C. Fruitlands, Ltd.,

Your memo of the 17th instant is to hand and  
contents noted.

Attached for your information is a copy of a letter  
and enclosure sent to the Company as of even date.

Arising out of same, there are one or two items  
on which further information is sought.

(1) The diversion licence for land north of  
Jamieson Creek? If a Final Licence is to issue, is your report  
available? If it is, it would be better to issue to the Company  
and later if the holdings are in several ownerships then arrange  
about an apportionment under Section 15, and possibly a Joint  
works agreement between those interested.

(2) Storage, Jamieson Creek watershed reference  
to quantity required either a general one to cover all sites  
(4) or a special reference to each.

(3) C.L. 8095 should it not read for Blocks  
C and D, that is any land where water is placed in the main  
canal?

(4) R.P. 285 Kamloops L.R.D. shows survey of  
main Canal. Is there any plan deposited in the L.R.O. showing  
Blocks A, B, C & D? If such reference were available it would  
greatly simplify land description.

*E. Davis*

Comptroller of Water Rights.

046872  
675

Kamloops

August 20th., 1941.

B. C. Fruitlands Co., Ltd., and the Kamloops Fruitlands Irrigation  
and Power Co., Ltd.,

Comptroller of Water Rights,  
Parliament Buildings,  
Victoria, B. C.,

Final Licence Surveys and Reports on the lands north of Jamieson Creek have been made, also a report on the situation, dated 12th., August 1941. That report is enclosed herewith, but action on the same is not as simple as at first anticipated, and for this reason I have held up the F.L. plans and reports pending further investigations and additional conferences with Major Mc Elligott. The results of the same are submitted herewith.

The primary and immediate reason for the request from the management for a recasting of the rights is due to an arrangement to sell certain lands north of Jamieson Creek, but at the same time to preserve intact all the privileges of the Company as far as its major project is concerned.

Analysing the rights of the Company on Jamieson Creek under C. L. 6253, the other streams are of little value after the freshet season is over, it is noted that the Company's diversion right is limited to a flow of 39.2 c.f.s. or roughly 78 acre feet per 24 hours. Even if C.L's 4197 & 4198 were amended as to priority, the owners could demand water if there was an excess over the flow of 78 acre feet per 24 hours.

The facts of the situation are as follows:-

	Now irrigated	irrigable and under system.
Above pumps	823 acres	X 972 acres
Below	1405 "	1271 "

X does not include entire irrigable acreage.

The maximum capacity of the system, and close to the maximum capacity is used as long as the water is available, is approximately 110 ac ft., per 24 hours. Putting the maximum demand at 1 ac ft per acre, a period of 30 days will require a rate of flow for the land now under irrigation of 74.3 ac.ft., per day, or very close to the extent of the right with less than 50% of the land irrigated.

Since the Company has been in operation the lands north of Jamieson Creek have been limited to water in excess of the capacity of the main system, in other words such water as passed over the diversion dam down the stream. Leases of the lands have always limited the claim to water in accordance therewith.

It can be seen from the foregoing that any action which would limit the Company to less than the maximum capacity of their system will be dangerous. As it now stands the Company can take the 39.2 c.f.s. plus the quantities granted under C.L's 4197-8-9 another 1310 ac.ft.. The northern lands sold would limit them to the 39.2 c.f.s. whatever amendments to priority might be made in respect to the licences named.

It is very evident that the original duty of water of 1 1/2 acre feet per acre is insufficient. Putting the average rate of flow for the lands now under irrigation at about 90 acre feet per day or 1.21 ac.ft., per acre over a period of 30 days, the same including losses, a not altogether extravagant figure appears (The pumps are put into operation as and when needed to keep the flow to the approximate figure).

Accepting the foregoing as a picture of the situation the question of what can be done to sort out the tangled skein must be considered. Taking it for granted that no action can be taken that will affect the existing stability of the situation but rather that it will be in the public interest to give such aid to the Companies as may be expedient, to keep them in operation, I am submitting the following suggestion:-

Re-issue C. L. 6253 appurtenant to the lands of the B. C. Fruitlands Co., Ltd., et al., for 14305 acre feet made up as follows: C. L. 6253, 11,00 ac.ft., (39.2 c.f.s. for period of 140 days) 2000 ac.ft., in lieu of C. L. 4640, 4642, 4644, 4646 & 4648, and C.L's 4197, 4198 & 4199, for an additional 1305 ac. ft.. The latter licences to be abandoned and succeeded by new applications covering the freshet period only. This would provide for a larger quantity than the capacity of the works, and effectively deal with the matter. Whether the



re-issued C. L. 6253 includes McQueen, Dairy & Noble Creeks, or whether separate licences be issued in lieu thereof is of small moment.

All Storage rights to be included in one licence supplementary to the reissued C. L. 6253, unless separate licences be issued on Mc Queen, Dairy & Noble Creek in which case storage licences would supplement the respective diversion licences.

The pumping right C. L. 8095 can remain intact without revision.

One conveying right covering the conveyance of the water from the various creeks and one conveying right covering the conveyance of the pumped water issued to the Kamloops Fruitlands Irrigation Co., Ltd., would appear to cover the situation.

Looking to the future when a larger area is brought under irrigation, it will be noted that the capacity of the ditch will always be large enough to cover the lands above the pumping plant, and large enough to cover the lands below the pumps and that with adequate pumping capacity the lower end of the project could become a pumping project in its entirety. While additional storage works would provide a capacity flow for a longer period than at present, it will not solve final water requirements for the whole project due to the fact that the capacity of the diversion works limits the quantity of water that can be used.

If the suggestions made are found to be feasible, subject to the working out of details, please advise at your earliest convenience. If Mr. Mc Elligott's presence in Victoria would help out matters, he would arrange for the same.

CV:LeB.  
Encl.

District Engineer.

046872

675

Kamloops

August 12th., 1941.

British Columbia Fruitland Company, Ltd.,

Memorandum:

Comptroller of Water Rights,  
Parliament Buildings,  
Victoria, B. C.,

For all practical purposes we can assume that the above Company and the Kamloops Fruitland Irrigation & Power Company, Ltd., are one and the same interest. Any Departmental proposal for a revamping of their water rights if approved and accepted by one Company, will be approved and accepted by the other. This I was given to understand by Major McElligott, the local manager of both Companies.

Checking back on the data available it is evident that the Board were not consistent in their findings. C.L.s 4197-3-9 were issued under the date of 27th., Sept. 1919; C.L.s 4640-1-2-3-4-5 5-7-8-9, 6th. April 1920; C.L.s 6253-4 1st., May 1922. A paragraph on C. L. 6253 stated: "The said licence shall have precedence over all other rights to the water of the said creeks and their tributaries" In spite of this C.L.s 4197-8 were issued with their original priorities and very much prior to C.L. 6253. On the plans, Exhibit "A" of C.L.'s 6253 & 6254 another error is evident. Lands north of Jamieson Creek are not covered under either of the Certificates of Approval of the Undertaking which refers entirely to the main project

Neither C. L. 6253 or 6254 refer to these lands in the claims on file and numbered 72-41-7 etc.. The whole object of the companies in acquiring the land north of Jamieson Creek was in order that the water might be made available for the lands under the project



which is certainly separate and apart from the system supplying the lands north of Jamieson Creek. That these lands were not included in the Undertaking of the Irrigation Company is evident from the fact that the transfer of the water rights from the land Company to the Irrigation Company did not take place until September 1909, whereas the amended Certificate of Approval of Undertaking is dated 25th., March 1903.

C. L. 6254 lists in its claims two files for which one licence now exists, viz; 70-41-7 and 87-42-7. I believe one licence was issued and subsequently abandoned.

Summing up the whole situation there appears no reason for refusing the request of the B. C. Fruitlands Company, Ltd., for an amendment of priority to C.L's 4197-8. As far as the main project is concerned the question resolves itself down to a reissuance making the rights appurtenant to the lands of the B. C. Fruitlands Company, Ltd., et al., and a conveying licence to the Kamloops Fruitlands Irrigation and Power Company, Ltd.,. Whether it will be good policy to re-issue one licence for diversion purposes on the four streams included in C. L. 6253, or to issue four diversion licences, limiting the dominant land to the land below the points where the smaller streams reach the main canal, must be determined. If the former suggestion is followed, then one storage right covering all the storage with priority of December 9th., 1924 could follow. The right on the North Thompson River can stand as it is, if this course is expedient one diversion right covering the Creeks, one diversion right covering the pumping, one storage right and one conveying right, four in all would cover everything under the project.

Later in the season we will go over the situation with the Fruitlands management and determine the areas irrigated and irrigable, then they wish retained under the project. I understand that there are some acres on the North Thompson they wish to eliminate on the grounds that the system is not large enough to cover it. This part of the investigation need not affect an early issuance of Final Licences superseding C. L's 4197-8-9.

CV:LeB.

District Engineer.

Page 56 of 73

Withheld pursuant to/removed as

NR



## British Columbia

To accompany Conditional Licence No. 15218

# KAMLOOPS WATER DISTRICT

Scale: 2 Miles to 1 Inch.

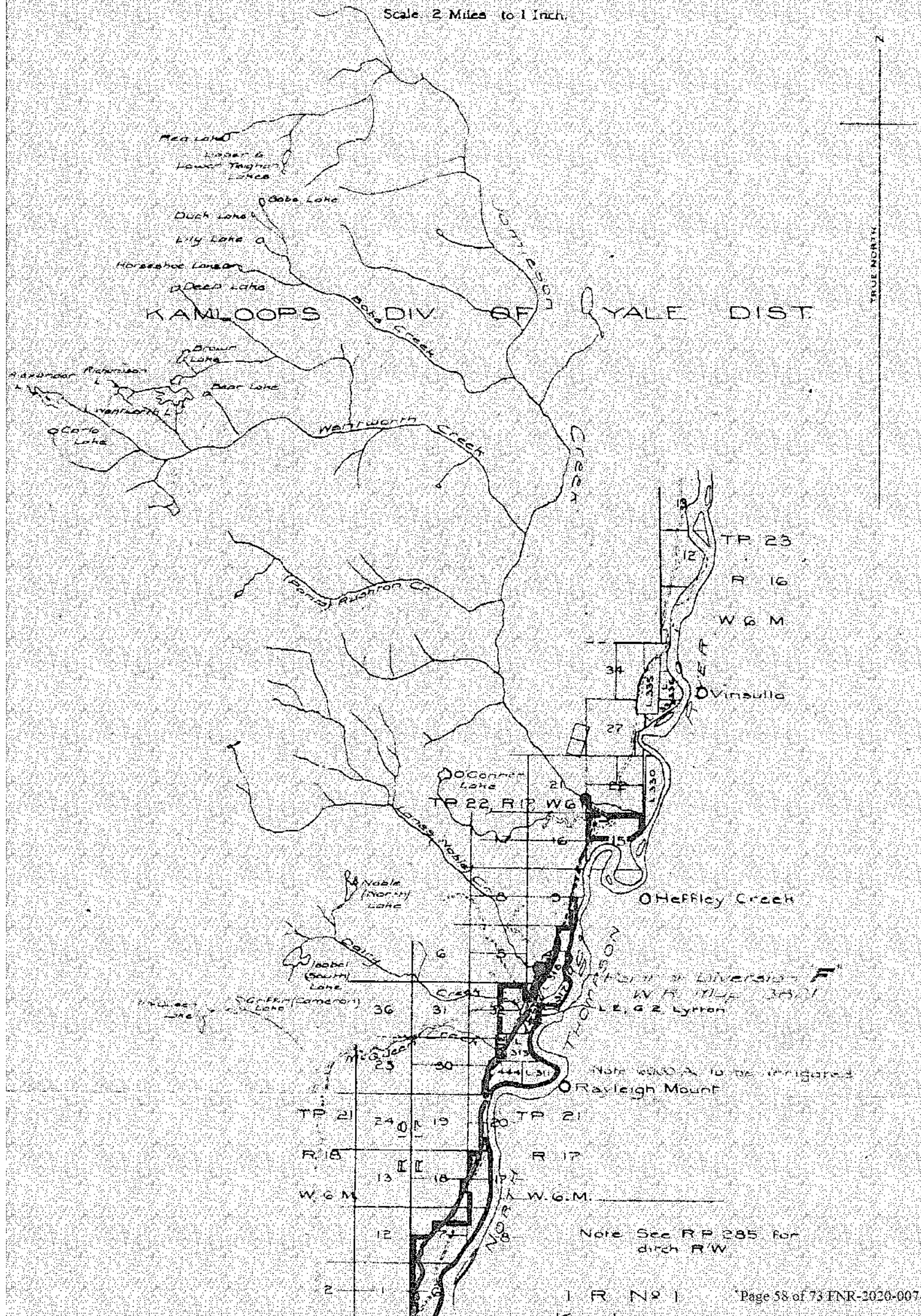






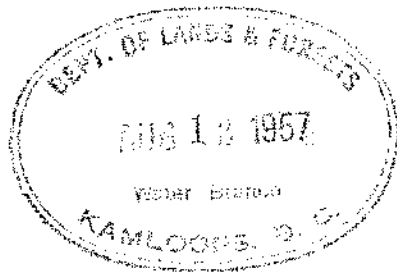
EXHIBIT "B"

N. $\frac{1}{2}$ Section 16, Tp. 22, R. 17	West of 6th Meridian
S. $\frac{1}{2}$ of N. $\frac{1}{2}$ of S.E. $\frac{1}{4}$ Sec. 9, Tp. 22, R. 17	"
Frac. S. $\frac{1}{2}$ of Sec. 4, Tp. 22, R. 17	"
Lot 318 and Lot 317, Kamloops R.Y.D.	
Lot "B" Cp. 2, Lytton Div. K.D.	
Frac. S. $\frac{1}{2}$ Sec. 32, Tp. 21, R. 17	West of 6th Meridian
Frac. L.S. 4, Sec. 35, Tp. 21, R. 17	"
Lots 312, 313, 311, 444, Kamloops Div. Y.D.	
Frac. L.S. 5, Sec. 29, Tp. 21, R. 17	West of 6th Meridian
Frac. L.S. 3, Sec. 20, Tp. 21, R. 17	"
Frac. S. $\frac{1}{2}$ Sec. 17, Tp. 21, R. 17	"
S. $\frac{1}{2}$ L.S. 3, Sec. 12, Tp. 21, R. 17	"
Frac. L.S. 1 & 2, L.S. 2, 3, 4, 5, 6, 7, 9, 10, & S. $\frac{1}{2}$ 11 of Sec. 7, Tp. 21, R. 17	"
Fr. N. $\frac{1}{2}$ Sec. 8, Tp. 21, R. 17	"
N. $\frac{1}{2}$ of Sec. 6, also Frac. L.S. 2, 7, 10 & 15 of Sec. 6, Tp. 21, R. 17.	"
L.S. 13, Frac. L.S. 11 & 14 & N. portion L.S. 12 of Sec. 31, Tp. 20 R. 17	West of 6th Meridian
S. $\frac{1}{2}$ of S. $\frac{1}{2}$ Sec. 24, Tp. 20, R. 18	"
S. $\frac{1}{2}$ of S. $\frac{1}{2}$ of S.E. $\frac{1}{4}$ Sec. 23, Tp. 20, R. 17, and Frac. S.E. $\frac{1}{4}$ Sec. 20, Tp. 20, R. 17	"
The portions of R.R. "C" S.P. 225, Kam. L.R.D. within Sec. 12, Tp. 20, R. 17 & Sec. 23 & 24, Tp. 20, R. 18	"
Frac. S. $\frac{1}{2}$ Sec. 22, Tp. 20, R. 18,	"
Frac. L.S. 5, of Sec. 21, Tp. 20, R. 18	"
Lots 237 236 & 235, Kamloops Div. Y.D.	"
Lot "D" C. R. Lytton Div. Y.D.	"
Lot 234, Kamloops Div. Y.D.	
S. $\frac{1}{2}$ of S.E. $\frac{1}{4}$ Sec. 16 and S. $\frac{1}{2}$ Sec. 9, Tp. 108 Kamloops	
Lots 235, 232, 231, 230 & 249, Kamloops Div. Y.D.	

File No. 6143412

Date issued January 21, 1943

Licence No. 15218



Mr. L. M. Hayward,  
Hayward Sheep Ranch Ltd.,  
Box 432,  
Kamloops, B.C.

Please refer to file No. 0145414

Dear Sir,

In reply to your enquiry regarding the use of McQueen Creek, we would advise that you should request permission from the B. C. Fruitlands Irrigation District to use water from this source under their Conditional Water Licence No. 15221. Information received in this office revealed that the District would have no objection to this arrangement.

Yours very truly,

A. F. Paget,  
Comptroller of Water Rights.

Per:

WRT/pd



A. F. Paget, Esq.,

Comptroller of Water Rights,

Victoria, B. C.

District Engineer, Kamloops, B. C.

July 24

57

Your file: 0145414  
Our file: 4308

---

With reference to your memo of July 16th, the matter has been discussed with Mr. J. Whelan, Manager of the B. C. Fruitlands Irrigation District. Mr. Whelan states that Gordon Creek is a local name for Dairy Creek and it, therefore, appears that permission has been granted to Mr. Hayward to exercise GL 15219, Dairy Creek.

With regard to McQueen Creek, Mr. Whelan stated that the matter has not been brought up and it would, therefore, appear that Mr. Hayward has no immediate plans to use this creek. He might be advised that he could proceed with the development of McQueen Creek in the same manner as with Dairy Creek, by obtaining the permission of the district to exercise their licence. Mr. Hayward appears to believe that permission granted on Dairy Creek arises from his water application on that creek, and that writing off his application on McQueen Creek might affect his obtaining similar permission on that creek, but such is not the case.

H. D. DeBeck,  
District Engineer.

HDD/rn

MEMORANDUM

TO District Engineer,  
Kamloops, B.C.

FROM Water Rights Branch,  
Parliament Buildings,  
VICTORIA, B.C.

July 16th, 1957.

Our File No. 0145414

Enclosed for your information and comment please find a copy of a letter received from L.M. Hayward.

A. F. Paget,  
Comptroller of Water Rights.

Per *AF*

AGS/pd  
Enc.

*London Creek  
River*

c  
o  
p  
y

Box 432  
Kamloops, B.C.

June 11, 1957.

Mr. H. L. Paget,  
Comptroller of Water Rights,  
Dept. of Lands and Forests,  
Victoria, B.C.

File Nos. 0145414  
0214199  
0190804  
0158899

Dear Sir:

The enclosed is a copy of the minutes of the B.C. Fruitlands Irrigation District allowing me the use of the water on Gordon Creek, as requested in your letter of May 27.

You will note that there is no mention of the McQueen Creek drainage. I do want to have secondary right to this water and trust that writing this application off your records will not hinder me.

Yours truly,

"L.M. Hayward"

---

(Enclosed) MINUTES June 12/56.

- Mr. L. Hayward requested use of Water on Gordon Creek above the ditch to irrigate above the ditch.

Moved by R. Hook seconded by J. Fry that L. Hayward be given permission to use this water as requested and that he pay the district the amount reg'd to retain the license.

Carried.

---

cc Kamloops, B.C.

May 27th, 1957.

~~2244~~  
4308

*Cancel  
application  
file on Sir's file*

Mr. L. M. Hayward,  
Hayward Sheep Ranch Ltd.,  
Box 432,  
Kamloops, B.C.

Please refer to file Nos.: 0145414, 0214199,  
0190804 and 0148899

Dear Sir,

We are in receipt of your letter of the 13th instant advising us that you have a working agreement with the B.C. Fruitlands Irrigation District regarding the use of their Conditional Water Licences No. 15221 and 15222.

In view of the above we are writing your applications on Dairy Creek, McQueen Creek, Griffin and Drained Lakes off our records. A refund cheque covering your deposit will be forwarded to you in due course.

When plans of the proposed storage dam on Isobel Lake have been completed, kindly forward same to the District Engineer at Kamloops, B.C.

If you have a copy of the agreement between yourself and the B. C. Fruitlands Irrigation District would you kindly forward same to this office for our records.

Yours very truly,

A. F. Paget,  
Comptroller of Water Rights.

WRT/pd

Per:

0190804 cancel

Kamloops

May 9th, 1957.

Mr. L. M. Hayward,  
Box 432,  
Kamloops, B.C.

Please refer to files: 0190804  
0214199

---

Dear Sir,

With further reference to our letter of the 21st January, 1957, would you kindly advise us whether or not you have contacted the B. C. Fruitlands Irrigation District regarding the use of their Conditional Water Licences #15221 and #15222.

Would you also inform as to whether or not you propose to construct any storage dams and if so, we would appreciate copies of the plan for approval.

Your applications on McQueen Creek, and Griffin and Drained Lakes and Dairy Creek have been held in abeyance pending receipt of your reply. If no word is received by you on the 31st of May we will note the applications as cancelled and write same off our registers.

Yours very truly,

A. F. Paget,  
Comptroller of Water Rights.

Per:

NRT/pd

675  
January 29, 1951

A.S. Knowles, Esq.  
Secretary  
B.C. Fruitlands Irrigation District  
Box 90  
Kamloops, B.C.

Our File No. 0145413.

Dear Sir:

Your letter of the 4th December requesting extension of time for Conditional Water Licence No. 15220 - storage in Isobel and Noble lakes on Dairy Creek, together with \$1.00 fee duly came to hand.

Has Conditional Water Licence No. 15219, the diversion licence, been used or is it in the same category?

We are deferring action in the matter until the question of ownership of the works, which seems a pending item, is clarified and would suggest you keep in touch with our Kamloops office.

You may recollect that we had correspondence with you about a year ago regarding R. Hayward's application on the creek.

Yours very truly,

J.E. LANE  
Comptroller of Water Rights.

Per:

KD:OB

7.2

Darry Cr-

R. was out to Sargent.

Have written to H. now as requested.

Refer to your memo 11 Dec 0145418 & file 675 & ours of 15 Dec.

Also see your file A 2441 - our file 0158899

our memo 15 Dec 150 & Hambooms reply

19 Dec.

The last para of 179 H seems to indicate where the situation rests

TD

I think 1400 word should get the water his land is trapped by the creek & to the my claim but ever will decent storage in Jamerson Cr they shouldn't need this more 100 and

101- 4-26 file 1523.

Correspondence with Sharpe notes seems OK but worry about unforeseen & unpredictable Sharpe is not of character & if he falls down on the job its not exactly them off our noses. Essentially recall when on Snow Surveys has been told to work at Warren by Dan and Dorothy (they go through off that and all other stuff)

Jacobe alleges it a menace.

But rather doubt if the Snow Surveys will make the trip (they started yesterday by car) but will see plenty of snow



File No. 0221592

Local File No.

## Engineer's Report on an Application

Kamloops

Water District

W.R. Map No. 3812

Ref. Map No.

1. Name of applicant B. C. Fruitlands Irrigation District.
2. Address Box 218, Kamloops, B. C.
3. Priority 13th August, 1958.
4. Creek North Thompson River
5. Purpose irrig. and waterworks
6. Intake is stated to be S.E. cor. Lot 17A R.P. 285, Blk B, K.D.Y.D.
7. Quantity applied for 1500 ac. ft. ?
8. Dominant land Blk B of B.C. Fruitlands Irrigation Dist. (should possibly be called zones A, B and C to avoid confusion with original plan of Area, Plan 285)
9. Stated irrigable area 500 acs.
10. Existing rights Many
11. Rights covering dominant lands C.L.'s 15216, 15217, 15218, 15219, 15220
12. Works Pumping plant with buried pipeline distribution system
- Remarks D.E. please ascertain whether storage tank is on private or Crown land.  
See also file 0221593

### REPLY

I recommend that the application ~~be granted for~~ c.f.s.  
1500 ac. ft. for 500 acres  
250,000 gal per day. waterworks  
Irrigation - 1st April to 30th Sept.  
Duty of water per acre 3 ; period of use Waterworks - all year  
Works { are being constructed. }

Discussed January 27th with Mr. J. Whelan, Manager of the District. There are stated  
(If storage application, state hazard which would be imposed by storage dam, i.e., above railroad, highway, valuable property, etc.)

to be 500 small lots in the area and 200 of these are built on and considered potential initial users. Quantity recommended is based on 500 gpd for each of the small lots. It is assumed that sprinkling requirements will be met from the irrigation allowance.

Irrigation requirements could be met by a change of works under CL 15223 which covers the old pumps, but the district would prefer to leave this licence as it is for the present. There is a small area in the vicinity of this intake which could be irrigated from it. Mr. Whelan states that the storage tank will be on privately owned land.

Place:

Signed

H.D. DeBeck, District Water Engineer.

Kamloops

Dated

January 29, 1959

Persons Contacted: 1. Whelan, Manager Jan 27

Places Inspected: Place of Use? Intake? Others?

SOURCE

Nature of source (Lake, spring, stream, etc) \_\_\_\_\_

Is there any outflow, regular or seasonal? \_\_\_\_\_

Is it tributary to any other stream? \_\_\_\_\_

Flow estimated, or measured \_\_\_\_\_

Any other information on flow \_\_\_\_\_

APPLICATION

Purpose, as stated on DER or \_\_\_\_\_

Location and nature of works as shown

Estimated distance from other intakes \_\_\_\_\_

For domestic, is the house constructed 200 ft from 500 ft

For irrigation, condition of land (uncleared, wild hay or pasture, cultivated, irrigated) \_\_\_\_\_

Dominant land, as stated, or ☒ \_\_\_\_\_

Checked at Land Registry Office \_\_\_\_\_

Quantity recommendation and basis 1500 ac ft for 500 ac, duty 3

250,000 gpd for @ 500 gpd per ft

OTHER NOTES

Irrigation requirements could be met by c/w for C.L. 15223, but district prefers to issue this license.

Date Jan 28/59

Signed M.B.F.

File No. 0221593

Local File No.

## Engineer's Report on an Application

Kamloops

Water District

W.R. Map No. 3810

Ref. Map No.

1. Name of applicant B. C. Fruitlands Irrigation District.
2. Address Box 218, Kamloops, B. C.
3. Priority 13th August, 1958.
4. Creek Thompson River.
5. Purpose Irrigation and waterworks
6. Intake is stated to be S.W. cor. Lot 78, R.P. 1105, K.D.Y.D.
7. Quantity applied for 2100 ac. ft. ?
8. Dominant land Blk. C of B.C. Fruit Lands Irrig. Dist Should possibly be called Zones A, B and C to avoid confusion with original plan of Area Plan 285.
9. Stated irrigable area 1050 acs.
10. Existing rights Many
11. Rights covering dominant lands C.L.'s 15216 - 24 incl.
12. Works Pumping plant with buried pipeline distribution system

Remarks

### REPLY

I recommend that the application ~~be recommended~~ <sup>(be recommended)</sup> be granted for 

c.f.s.	
3150	ac. ft. for 1050 acres
500,000	gal. per day. waterworks

  
Duty of water per acre 3 ; period of use Irrigation - 1st April to 30th Sept  
Waterworks - all year

Works 

{	are	constructed.
	being	
	<del>not</del>	

Discussed with Mr. J. Whelan, Manager of the District, on January 27th.

(If storage application, state hazard which would be imposed by storage-dam, i.e., above railroad, highway, valuable property, etc.)

There are said to be 800 small lots in this area containing at present, 400 homes which are expected to be initial users. Further subdivision may be expected and our recommendation is based on 500 gpd for each of 1,000 lots. It is estimated that sprinkling requirements of these lots will be largely met by the irrigation licence.

Your suggestion of calling the dominant land Zone C instead of Block C is good, except for the possibility of confusion arising in view of the volumes of correspondence and reports using the term "block". It is suggested that a decision on this point be referred to those most actively engaged in the B.C. Fruitlands situation.

Place:

Signed

H.D. DeBeck, District Water Engineer.

Kamloops

Dated

January 30, 1959

W.R.B. 16-2M-1256-5913

Local File No. A-4251

Persons Contacted: L. V. Nelson, Manager, Jan 27/59 (1)

Places Inspected:      Place of Use?                  Intake?                  Others?

SOURCE

Nature of source (Lake, spring, stream, etc) \_\_\_\_\_

Is there any outflow, regular or seasonal? \_\_\_\_\_

Is it tributary to any other stream? \_\_\_\_\_

Flow estimated, or measured \_\_\_\_\_

Any other information on flow \_\_\_\_\_

## APPLICATION

Purpose, as stated on DER or \_\_\_\_\_

Location and nature of works as shown

Estimated distance from other intakes

For domestic, is the house constructed \_\_\_\_\_

For irrigation, condition of land (uncleared, wild hay or pasture, cultivated, irrigated) \_\_\_\_\_

Dominant land, as stated, or ☒ \_\_\_\_\_

Checked at Land Registry Office

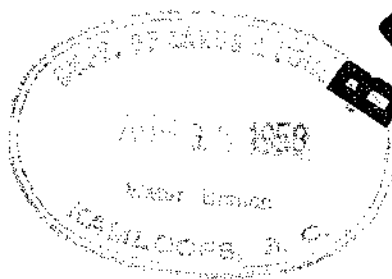
Quantity recommendation and basis 3150 ac ft for 1050 ac, date 3

said to be the initial users.

800 lts (including above)

OTHER NOTES 200,000 @ 5.00 APR = 500,000

Date Jan 28 / 58 Signed [Signature]



**B.C. FRUITLANDS**  
*Irrigation District*  
BOX 218  
KAMLOOPS, B.C.

11th August, 1958.

Mr. H. DeBeck,  
Water Rights Engineer,  
Kamloops, B.C.

Dear Sir:

We are enclosing for your information, a copy of a plan showing the area to be serviced by two proposed pump plants and buried pipeline distribution systems.

Yours Truly,

*J. F. Whelan*  
J. F. Whelan.  
Secretary.

encl:

JFW:rm