

Project Name Merritt-Spences Bridge Road

Plan # 8-26-3 (Sheet 1 of 2)

INFORMATION SHEET

Stick # Y-233

Plan 8-28-1 (Sheet 2 of 2) Y-234

P/N 503

C/T

Legal description:

Registered owner: Nooaitich IR#10

Assessed owner:

Address:

Danney Slackley

Phone: 378-6141

Folio #

Area

Jur.

S.D.

No.

Assessed values: Year

Land

Improvements (total)

Declared value if sold in past 5 years:

Present zoning:

Present use:

Potential zoning:

Total area of parcel

Area of old R/W

Area of new R/W

1/20th of total area

Area to be compensated

Area to be resumed

Date negotiations commenced:

Date gazetted:

Date settled:

Memo to file: Brian Michalek

Plan 8.28.1 - R/W Required - .312 HA

.600 HA Total R/W (O.R.I. .354)

.912 HA

Plan 8.26.3

.157 HA

.067 HA

.146 HA

Total R/W . 1.282 x 2.471 = 3.17 AC.

~~0.174~~ ~~0.174~~ = ~~0.348~~ AC.

5000' x 5.42'



Facsimile Cover Sheet

To: Peter Burns, CLS
Company: Natural Resources Canada
Phone: 1-604-666-5321
Fax: 1-604-666-0522

From: Julian Malinsky
Company: Min. of Transp. & Hwys-Properties
Phone: 1-250-314-6003
Fax: 1-250-314-6016

Date: 02/16/00

Pages including this

cover page: One

Our File: R21401

Your File: SM8210-07620 (Item I-90BC)

Comments: Legal Survey and Plans through Nooaitch IR 10

Peter, I understand your office is in possession of the noted Mylar, completed by S.R.Leggett in 1990.

I spoke to Jim Jones, Supervisor, Property Acquisition (our Native Land Acquisition Expert). He advised negotiations on the purchase of the lands described by this survey have not been completed and an agreement is not imminent (in the near future). We suggest the survey and plan be registered as a "Field Note Plan" in your system to preserve the survey for future use.

If you have any questions call me at 1-250-314-6003.

If you agree to register this survey/plan upon registration please forward the CLSR # for our records.

Thanks,


Julian Malinsky

cc. Jim Jones, Supervisor, property acquisition

REGIONAL PROPERTIES
Thompson-Okanagan Region
1540 Springhill Drive,
Kamloops, B.C., V2E 2H1
Telephone: 828-4267
File No.: PS 50345

October 6, 1992

Nooaitch First Nations
Bag 6000
Merritt, BC VOK 2B0

Attention: Linda ^{SHACKLEY} ~~Shakley~~, Nooaitch Chief

Dear Chief Shakley:

RE: Noonaitch Indian Reserve No. 10
Highway 8 - Merritt to Spences Bridge

Further to our conversation of September 25, 1992, I attach copies of correspondence dating to 1984 which refers to an agreement between the Band and the Ministry relating to highway work within Band lands on Highway 8. The work referred to in the 1984 Band Council Resolution was completed as agreed but unfortunately no right of way agreement was ever struck to transfer the land to the Ministry.

On March 7, 1990 the Ministry offered \$1600 as compensation for the 1.282 hectares and was advised on May 14, 1990 that the offer was accepted. On May 23, 1990 the Ministry responded acknowledging the acceptance of the offer and requested a Band Council Resolution outlining the terms of the agreement. This B.C.R. has been the subject of some mystery for the past couple of years as we were advised by the Band's lawyer at that time, Mr. Doug Springford that the B.C.R. had in fact been signed and readied for mailing. Somehow it has never materialized.

The Legal Survey has been completed and plans are with the Regional Surveyor. A Privy Council Order will be processed upon receipt of the B.C.R. agreeing to the land transfer.

This matter could be processed quite simply if a B.C.R. was sent to the Ministry agreeing to the land transfer and worded as outlined in the Ministry's May 23, 1990 letter to the Band.

If I can offer any further assistance or clarification, please call me at the above number.

Yours truly,

Ross Dalpre, R.I.(BC), A.A.C.I.
Regional Property Agent

K.J. Ellicott
Property Agent

KJE/lm
encl

Zoht No. 2.....	Nicola (Lower)	Kamloops District. In Township 94, Section 36. Designated Lot 716. Group 1, Yale District. On Clapperton and Mable Creeks, 6 miles above the village of Nicola. (Ref. Map 6A, Topographical Map 981/SK, Merritt)	160.00	An Exchange with the Provincial Government for the old Zoht Reserve, Dominion Order in Council P.C. 927, 17th May, 1899. Original Survey 1899, Plan 120..... 160.00 Title, Provincial Order in Council #1036, 29th July, 1938..... 160.00
Logan's.....	Nicola (Lower)	Kamloops District. On Quilchena (Hamilton) Creek which flows into Nicola Lake, 12 miles from its outlet. (Ref. Map 6A)	45.00	Allotted by Commissioners Sproat, 12th September, 1878. Original Survey 1879, Plan No. 207..... 45.00 Title, Provincial Order in Council #1036, 29th July, 1938..... 45.00 Water Record: Final Licence 1036, 10 acre feet.
Hamilton Creek....	Nicola (Lower)	Kamloops District. On the banks of Quilchena Creek, 6 miles from its outlet into Nicola Lake. (Ref. Map 6A, Topographical Map 981/SR Merritt)	4400.00	Allotted by Commissioners Sproat, 12th September, 1878. Original Survey 1879, Plan No. 208..... 4400.00 Reurvey 1928. East and south Boundary Plan B.O. 1023. Title, Provincial Order in Council #1036, 29th July, 1938..... 4400.00 Water Record: Final Licence 1036, 217.8 acre feet.
Speous (Petit Creek) Nicola (Lower)	Nicola (Lower)	Kamloops District. Partly in Township 13, Range 23, Section 36, west of the 6th Meridian. Within Railway Belt, and part outside Belt, one mile south of Canford Station on C.P. Ry, Nicola Branch, east of Spina Creek. (Ref. Map 6A, Sectional Map 61)	280.00	Allotted by Commissioners Sproat, 23rd July, 1878. Original Survey 1879, Plan No. 209..... 280.00 Portion in Railway Belt, Dominion Order in Council P.C. 908, 28th January, 1913. Title, to Portion outside Railway Belt. Provincial Order in Council, #1036, 29th July, 1938..... 280.00 Water Record: Final Licence 9153/4, 63 acre feet.
Kooaitch Grass....	Nicola (Lower)	Kamloops District. In Township 14, Range 22, Sections 18, 19, and 30; Township 24, Range 23, Sections 13, 14, 23, 24 and 25, west of 6th Meridian, 2 1/2 miles north of Canford Station. (Ref. Map 6B, Sectional Map 61)	1953.00	Allotted by Commissioners Sproat, 28th August, 1878. Original Survey 1879, Plan Old No. L.209... 1950.00 Reurvey 1928. Plan B.O. 702..... 1953.00 In Railway Belt, Dominion Order in Council P.C. 751, 4th May, 1929..... 1953.00 Water Record: Final Licence 8234, 1000 gals.
Kooaitch No. 10 4167-19	Nicola (Lower)	Kamloops District. In Township 14, Range 23, Sections 2, 10, 11, 14, 15, 20, 21, 27, 28, 38 and 39; Township 18, Range 23, Sections 3 and 4, west of the 6th Meridian. On the banks of Nicola River, approximately 20 miles above its confluence with Thompson River. (Ref. Map 6B, Sectional Map 61)	2198.03	Allotted by Commissioners Sproat, 20th August, 1878. Original Survey 1879, Plan No. 209..... 2310.00 Reurvey 1928. Plan B.O. 35B, West Boundary. In Railway Belt, Dominion Order in Council P.C. 300, 20th February, 1929. To O.P. Ry., Right of Way, Nicola Branch, Plan RR-230B, Dominion Patent Reference 18714..... 75.84 To Province, Right of Way, Spences Bridge-Nicola Highway Rd. 245B, Dominion Order in Council, P.C. 2880, 14th November, 1931... 89.43 * Council, P.C. 2880, 14th November, 1931... 89.43 Water Record: Final Licence 7101, 807 acre feet, and 7800 gals. Final Licence 7292, 805 acre feet.

22 July 91

Nooaitch I.R. #10 - Hwy 8

- Visited sites with B. Nicholas + Peter Sweetshoff
- sites begin 22 KM beyond junction of Marmot Lake Road with Hwy 8 at Springs

Works accomplished for Band at request of Chief of Band (Michael Shackley)

- (a) Wing wall to protect flood prone land
- (b) Other areas of Band lands rip rapped along river valley - approx. \$35,000
- (c) Additional 10-15,000 m³ of dot rock stored adj. to RLW at request of Chief of Band. Reportedly Band was going to sell rock to some federal agency. value of rock - \$7-10 / m³

Denny Shackley 378-6141
Band Mgr.

31 July 91 11:30 - 12:30

- Met with Chief Linda Shackley - explained Ministry perspective
- She will pursue BER
 - If plans required MOTH will send to Band
 - 8-28-11 8-26-03 + legal
 - Chief to call me if more info req'd.

REGIONAL PROPERTIES BRANCH
Thompson-Okanagan Region
523 Columbia Street
Kamloops, B.C.

V2C 2T9

Facsimile: 828-4229

Telephone: 828-4215

File No.: PS 50345

July 18, 1991

Flynn & Associates Appraisals Ltd.
207 - 310 Nicola Street
Kamloops, B.C.
V2C 2P5

Attention: John Crowe

Dear Sir:

RE: Highway No. 8
Nooaitch Indian Reserve No. 10

Would you please provide your all inclusive fee quotation for providing a letter of opinion as to the market value of the land required for right of way as shown on the enclosed plans.

As this project is a priority with the Ministry would you please provide us with your estimated date of completion.

Yours truly,

R.R. Dalpre, R.I.(B.C.), A.A.C.I.
Regional Property Agent

Fred J. Menu, A.A.C.I.
Asst. Regional Property Agent

FJM/hf

cc J. H. Jones

enc.

MESSAGE

Date July 10/91 Time 4 -

To Jim G

WHILE YOU WERE OUT

Gon gensen

From s.22

TELEPHONE

Telephoned	<input checked="" type="checkbox"/>	Please call	<input checked="" type="checkbox"/>
Called to see you	<input type="checkbox"/>	Will call again	<input type="checkbox"/>
Wants to see you	<input type="checkbox"/>	Returned your call	<input type="checkbox"/>

MESSAGE Re: attached


BCR from Noavitch First
Nations. Linda Shackley
called gon gensen looking
for funds from BCR.

Operator As call SSA P. URGENT ☐

46-501 pink
46-502 yellow

JH m

Hilroy

JUL 10 '91 14:46 NICOLA HWYS DISTRICT MERRITT		P. 1	
Ministry of Transportation and Highways		TELEX/FACSIMILE RECORD	
VIA: <input type="checkbox"/> TELETYPE <input type="checkbox"/> RADIO <input checked="" type="checkbox"/> FACSIMILE		Date _____ File No. _____	
TO: <u>Property Service's</u> _____ _____ _____ %: <u>Monica</u> PHONE No. _____		FROM: D.S. Kirk, District Highways Manager Ministry of Transportation & Hwys Nicola Highways District Bag 4500, Merritt, B.C. VOK 2B0 ATTN: _____	
FAX No. <u>828-4229</u> TELEX No. _____		FAX No. 378-9364 PHONE No. 378-9359	
SUBJECT: <u>Nootel B.C.R.</u> _____ _____			
<div style="text-align: center;">  JUL 10 1991 KAMLOOPS, B.C. </div>			
PAGES: _____ (including this sheet)		_____ Operator's Signature	

214-20-0 (8²)

NOOAITCH FIRST NATIONS

Bag 6000 Merritt, B.C. V0K 2B0
Phone (604) 378-6141 Fax (604) 378-9119

'Our Elders are our Keepers'

TO → Department of Highways
~~Mr. Doug Kirk~~
District Manager
Bag 4500
Merritt, B.C., V0K 2B0

May 29, 1991

RE: NOOAITCH BCR FOR HWY 8 WEST HIGHWAY CONSTRUCTION

ATTN: Ds Kirk

Attached is a copy of the Nooaitch First Nation's Band Council Resolution regarding work done off Highway #8 West towards Spences Bridge adjacent to the Nooaitch IR #10.

I understand that this BCR is needed before you can release funds owed to the Nooaitch First Nation. You will want to know that I had problems finding this BCR - due to internal changes and moving made within our office.

However, if you have any questions regarding the above information, please contact me at 378-6141 or s.22 during office hours.

Sincerely,



Kwainco
Linda Shackelly
Nooaitch Chief

djs/LMS

Don J.
I thought we had
already replied to
this?



Chronological No. - Numéro consécutif

H.Q. Reference - N° de réf. du b. pt.

BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

NOTE: The words "From our Band Funds" must appear in all resolutions requesting expenditures from Band Funds.
 NOTA: Les mots "des fonds de notre bande" doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds de bande.

THE COUNCIL OF THE NOCATICH INDIAN BAND
 LE CONSEIL DE LA BANDE INDIENNE
 AGENCY CENTRAL VANCOUVER
 PROVINCE BRITISH COLUMBIA
 PLACE
 NOM DE L'ENDROIT MERRITT
 DATE 05 March AD 19 84
 DAY - MONTH - YEAR - ANNÉE

Capital balance
 Solde de capital \$
 Committed - Engagé \$
 Revenue balance
 Solde de revenu \$
 Committed - Engagé \$

DO HEREBY RESOLVE:
 DÉCIDE, PAR LES PRÉSENTES:

THAT the Department of Highways be allowed to blast the rock along highways in the vicinity of s.22 providing the following conditions are adhered to:
 THAT the material be blasted into shot-rock that will be suitable for river rip-rapping with an approximate size of 18" to 36";
 AND THAT the shot-rock be stockpiled in a reserve site which is designated by the Band;
 AND THAT the stockpile site be cleared out previous to stockpiling of the shot-rock at no cost to the Band;
 AND THAT the rock be sole property of the Band;
 THAT Band equipment be used where possible;
 THAT Band members be hired where possible;
 THAT Contractors be required to hire Band members where possible;
 AND THAT the Department of Highways Surveyors be allowed on Band land along Highway # 8 for survey purposes only until June 30, 1984.
 AND THAT the Band's immediate rip-rap needs be taken care of, namely the s.22 and s.22 properties.

Michael Shackelly
 (Chief - Chef)

Michael Shackelly
 (Councillor - conseiller)

Michael Shackelly
 (Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

FOR HEADQUARTERS USE ONLY - RÉSERVÉ AU BUREAU PRINCIPAL			
1. TRUST ACCT COMPTÉ DE FIDUCIAR	2. CURRENT BALANCES - SOLDES COURANTS	3. Expenditure Dépenses	4. Authority - Autorité Indian Act Sec Art. de la Loi sur les Indiens
	A. Capital		5. Source of Fund Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Other
	B. Revenue - Revenu		
	\$	\$	
6. Recommended - Recommandé		Date	
Authorized Officer - Fonctionnaire autorisé		Assistant Deputy Minister - Sous-ministre	

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*****

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MEMORANDUM

VIA FAX

District Highways Manager
Nicola District
Bag 4500
Merritt, B.C. V0K 2B0

July 15, 1991
PROPERTIES
Thompson-Okanagan
523 Columbia Street
Kamloops, B.C.
V2C 2T9

Telephone: 828-4215
Facsimile: 828-4229

Attention: J.C. Jensen
District Technician

RE: Nooaitch I.R. No. 10
Highway 8 - Merritt-Spence's Bridge

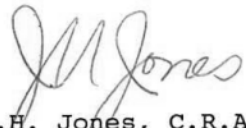
Further to our conversation of 15 July 1991, enclosed herewith is the Ministry letter to Nooaitch First Nations dated 5 June 1991.

The Band Council Resolution dated 5 March 1984 is not an Agreement to Transfer Land for highways purposes.

We have followed up our 5 June 1991 letter with telephone calls to the Chief, but have not been able to talk with her.

Yours truly,

Ross Dalpre
Regional Property Agent


J.H. Jones, C.R.A., R.I. (BC)
Property Agent

JHJ:tc
Encl.

FEED FAX THIS END

FAX
To: <u>John Jensen</u>
Dept.: <u>Highways Technician</u>
Fax No.: <u>378-9364</u>
No. of Pages: <u>2</u>
From: <u>J. Jones</u>
Date: <u>July 15/91</u>
Company: <u>MOH - Kamloops</u>
Fax No.: <u>828-4229</u>
Comments: _____
Post-it [®] fax pad 7903E

PROPERTIES BRANCH
Thompson-Okanagan
523 Columbia Street
Kamloops, B.C.
V2C 2T9
Facsimile: 828-4229
Telephone: 828-4268
Our File: PS 50345

June 5, 1991

Nooaitch First Nations
Bag 6000
Merritt, B.C.
VOK 2B0

Attention: Linda ^{SHACKELLY} Shackley, Nooaitch Chief.

Dear Madame

RE: Right of Way for Highway 8 through Nooaitch I.R. No. 10.

Your letter to Mr. Doug Kirk, Highways District Manager, May 29, 1991 has been referred to this office for response.

I attach copies of correspondence outlining an offer of compensation for Right of Way through the Nooaitch I.R. No. 10 which was required for work done by the Highways District in 1984 and referred to in the Band Council Resolution dated March 5, 1984, a copy of which you attached to your letter to Mr. Kirk.

The Band Council Resolution referred to in your letter is in fact another Band Council Resolution requested in our letter dated May 23, 1990 which is necessary to complete the Right of Way agreement. Mr. Springford informed us that this Band Council Resolution had been completed prior to his departure but appears to have been mislaid.

If you could supply another Band Council Resolution. worded as per our May 23rd letter I am sure we could complete this transaction in short order. The legal plan of Right of Way is presently at the Surveyor General and we will get you a copy upon receipt. If you require further assistance please contact the writer.

COPIES OF LETTERS ATTACHED
MARCH 7th 1990 (MINISTRY)
MAY 10th 1990 (BAND)
MAY 23rd 1990 (MINISTRY)

Yours truly,

Ross Dalpre, R.I. (B.C.), A.A.C.I.
Regional Property Agent

K. J. Ellicott
Property Agent

KJE:hcf

REGIONAL PROPERTIES
Thompson-Okanagan
523 Columbia Street
Kamloops, B. C. V2C 2T9

Fax No. 828-4229
Telephone 828-4215

Our File: PS 50345

July 15, 1991

Nooaitch First Nations
Bag 6000
Merritt, B.C. V0K 2B0

Attention: Linda ^{SHACKLEY} Shackley, Nooaitch Chief

Dear Chief Shackley:

RE: Nooaitch Indian Reserve No. 10
Highway 8 - Merritt to Spences Bridge

May we please have a reply to our letter dated June 5th, 1991.

Yours truly,

Ross Dalpre, A.A.C.I., R.I.(BC)
Regional Property Agent

K.J. Ellicott
Property Agent

KJE:tc

- ~~##~~ CALL BAND OFFICE
21/06/91 - Requested CHIEF
SHACKLEY Give me a call

Ministry of Transportation
and Highways

TELEX/FACSIMILE RECORD

Date

File No. 214-70-0 (8)

VIA:

☐ TELETYPE☐ RADIO☒ FACSIMILETO: Min. of Trans. & Highways
Kamloops

FROM:

D.S. Kirk, District Highways Manager
Ministry of Transportation & Hwys
Nicola Highways District
Bag 4500, Merritt, B.C.
VOK 2B0By: Jim Jones PHONE No.

ATTN:

FAX No.

TELEX No.

FAX No. 378-9364

PHONE No. 378-9359

SUBJECT:

Noochich Band Council Resolution

Jim, for your info, & perusal.

3/05/91

JULIAN ADVISES THAT THE
REGIONAL SURVEYOR IS
AWAITING COPY OF B.C.R.
~~AND~~ FROM BAND

AND

LS. 53 FROM INDIAN
AFFAIRS, OTTAWAPROPERTIES BRANCH
Ministry of Transportation & Highways

MAY 31 1991

KAMLOOPS, B.C.

PAGE
(1)

Operator's Signature



Province of
British Columbia

MEMORANDUM

TO:

JIM JONES
Super Agent

FROM:

JOE BELICOFF
Simple Agent

SUBJECT:

PR. # 10

DATE:

11/06/91

FILE:

☐ For Your Information ☐ Please O.K. and Return ☐ Please Discuss With Me ☐ Per Your Request ☐ For Your Signature
☐ Please Process ☐ Return With More Details ☐ Investigate and Report ☐ Please Answer ☐ For Your File

Jim :

we had an. Accepted offer @ 500⁰⁰ P/A
i.e. 1.282 HA x 1238 = 1584.50
Revised 1600.

[Signature]

REPLY:

REMOVE THIS SHEET AND FORWARD BALANCE OF SET

NOOAITCH FIRST NATIONS

Bag 6000 Merritt, B.C. VOK 2B0
Phone (604) 378-6141 Fax (604) 378-9119

"Our Elders are our Keepers"

Department of Highways
c/o Mr. Doug Kirk
District Manager
Bag 4500
Merritt, B.C., VOK 2B0

May 29, 1991

RE: NOOAITCH BCR FOR HWY 8 WEST HIGHWAY CONSTRUCTION

ATTN: Dg Kirk

Attached is a copy of the Nooaitch First Nation's Band Council Resolution regarding work done off Highway #8 West towards Spences Bridge adjacent to the Nooaitch IR #10.

I understand that this BCR is needed before you can release funds owed to the Nooaitch First Nation. You will want to know that I had problems finding this BCR - due to internal changes and moving made within our office.

However, if you have any questions regarding the above information, please contact me at 378-6141 or s.22 during office hours.

Sincerely,

Kwainco
Kwainco
Linda Shackelly
Nooaitch Chief

djs/LMS

NOTE. I THINK THAT IS
REFERRING TO RIW THAT WE
ARE NOT HAVING NOT ACQUIRED.
WOULD YOU SPEAK TO DOUG ELLIOTT
TO SEE IF THAT IS THE CASE?
WE WOULD LIKE TO STILL WANT
THE RIW.



December 12, 1990

File: R21401

S.R. Leggett & Associates
British Columbia Land Surveyors
204 - 655 Victoria Street
Kamloops, B.C.
V2C 2B3

Dear Mr. Leggett:

Re: Project 05813-1102
Legal Survey for Statutory Right-of-Way
Plans for Highway through part of I.R. #10
(Nooactich Reserve) all in K.D.Y.D.

MERRITT TO SPENCES BRIDGE ROAD NO. 8 (1.10 km[±])

Enclosed please find two (2) mylars, two (2) prints highlighted by the Regional Surveyor for various amendments and additions and a copy of his letter.

Please make the noted amendments and forward the plans back to the Regional Surveyor for his final approval, with a carbon copy of letter to us.

If you have any questions please call Julian Malinsky at 828-4666.

Yours truly,

Ross Dalpre, R.I.(BC), A.A.C.I.
Regional Property Agent

Julian M. Malinsky
Property Management/Land Survey Co-Ordinator

JMM/jr
enc.

cc: Lorne Ekstrom, Land Survey Officer, Victoria
cc: J. Ellicott, Property Agent, Thompson-Okanagan Region
cc: D.K. Nielsen, C.L.S., B.C.L.S., Vancouver



MEMORANDUM

Regional Surveyor of B.C.
Legal Surveys Division
Department of Energy Mines & Resources
800 - 1500 Alberni Street
Vancouver, B.C.
V6G 3C6

September 10, 1990
REGIONAL PROPERTIES
Thompson-Okanagan Region
523 Columbia Street
Kamloops, B.C.
V2C 2T9
Telephone: 828-4666
FAX: 828-4229

File: new # R21401
old # LS 8(2533)

ATTENTION: Dave Neilsen

Re: Project new # 05831-1102
old # P 5832-2533
Legal survey for a Statutory Right-of-Way
Plans for Highway through part of I.R. #10
(Nooactich Reserve) all in K.D.Y.D.
MERRITT TO SPENCES BRIDGE ROAD NO. 8 (1.10 km[±])

As a follow up to Lorne Ekstrom's letter of March 12, 1990 please find enclosed two (2) separate plans (including survey calculations) with six (6) copies of each of the subject survey for your check and approval.

The mylars are being sent to the Surveyor General for their check. Please notify us of any changes that may be required on a plan as soon as possible so they may be integrated with any requests made by the Surveyor General.

If you have any questions do not hesitate to call Julian Malinsky, 828-4666, Kamloops.

Yours truly,

Ross Dalpre
A/Regional Property Agent

Julian Malinsky
Property Management/
Land Survey Coordinator

JMM/jr
enc.

cc: Lorne Ekstrom, Land Surveyor Officer, Victoria
cc: Joe Ellicott, Property Agent, Thompson-Okanagan Region
cc: Surveyor General, Ministry of Crown Lands, Victoria



MEMORANDUM

Surveyor General's Branch
Survey Control Section
Ministry of Crown Lands
3400 Davidson Street
Victoria, B.C.
V8V 1X5

September 7, 1990
REGIONAL PROPERTIES
Thompson-Okanagan Region
523 Columbia Street
Kamloops, B.C. V2C 2T9
Telephone: 828-4666
FAX: 828-4229

Our File: R21401

ATTENTION: Mr. C. Bennett

Re: Project 05813-1102
Legal Survey for Statutory Right-of-Way Plans
for Highway through part of I.R. 10 (Nooactich
Reserve) all in K.D.Y.D.

MERRITT TO SPENCES BRIDGE - ROAD #8 (1.10 km[±])

S.R. LEGGETT, B.C.L.S.

Enclosed herewith are the original mylars, two paper prints and area calculations for the above described survey.

For your checking and approval please.

Ross Dalpre
A/Regional Property Agent

Julian Malinsky
Property Management/Land Survey Coordinator

JMM/jr
enc.

cc: Lorne Ekstrom, Land Survey Officer, Victoria
cc: Joe Ellicott, Property Agent, Thompson-Okanagan Region
cc: Doug Kirk, District Highways Manager, Nicola, District

Note: Please let me know if the monumentation suitably encloses the works (if applicable).



MEMORANDUM

TO: ALL PROPERTY AGENTS

August 15, 1990
PROPERTIES
Thompson-Okanagan
523 Columbia Street
Kamloops, B. C.
V2C 2T9

Re: INDIAN LAND NEGOTIATIONS

Please continue to pursue purchases of right of way through Band land even where District Highways Offices don't have funding in place to cover the settlement. We will initially pay for the settlement out of our Overhead Account and then request extra funds be reallocated to our budget to cover these expenditures.

Please provide a list of the Reserves you are presently working on and include those which you can reactivate now that funding is available.

Ross Dalpre
A/Regional Property Agent

RD/ab

PS	Reserve Name	Anticipated Settlement Date	Amount	Brief Explanation
----	--------------	-----------------------------------	--------	----------------------

27/08/90 - REQUESTED Doug Springfield to call me

28/08/90 - Doug Springfield ~~feels~~ thought that the B.C.R. had been forwarded to us - he will track it AND ADVISE

31/08/90 - Doug ADVISES THAT THE BAND MANAGER IS looking after the MATTER
Dwight SHACKLEY BAND MANAGER 378.6141

- PHoned BAND office - REQUESTED MR SHACKLEY to RETURN CALL SHACKLEY

5/09/90 - REQUESTED MR. ~~SHACKLEY~~ to RETURN CALL



Province of
British Columbia

Ministry of
Transportation
and Highways

REGIONAL PROPERTIES
Thompson-Okanagan Region
523 Columbia Street
Kamloops, B. C. V2C 2T9
Fax No. 828-4229

Telephone 828-4666
Your file: R21401
Our File: PS 50345

July 9, 1990

Mr. S. R. Leggett
B. C. Land Surveyor
204, 655 Victoria Street
Kamloops, B. C. V2C 2B3

Dear Mr. Leggett:

Re: Legal Survey for Statutory Right of Way Plan
through part of Moomaich Indian Reserve No. 10

Merritt to Spences Bridge - Highway 8

Thank you for your letter dated June 19, 1990 in which you supply a detailed estimate of additional cost for the subject survey. To confirm our telephone conversation, approval has been obtained for the additional posting and unexpected costs. This letter is a confirmation of the above.

Yours truly,

Ross Dalpre, R.I.(BC), A.A.C.I.
A/Regional Property Agent

Julian Malinsky
Property Management/
Land Survey Coordinator

JM/ab

cc: K. Joe Ellicott, Property Agent



Province of
British Columbia

Ministry of
Transportation
and Highways

REGIONAL PROPERTIES
Thompson-Okanagan Region
523 Columbia Street
Kamloops, B.C.
V2C 2T9

Telephone: 828-4666
FAX: 828-4229

May 23, 1990

Our file: PS 50345 &
R21401
File: P5813-R21401

Mr. S. R. Leggett
British Columbia Land Surveyor
204 - 655 Victoria Street
Kamloops, B.C.
V2C 2B3

Dear Mr. Leggett:

Re: Project P5813 - R21401
Legal Survey for Statutory Right-of-Way Plan
for Highway through part of I.R. #10
(Nooaitch Reserve), K.D.Y.D.

MERRITT - SPENCES BRIDGE ROAD NO. 168 (1.10 km[±])

As per our telephone conversation on May 18, our department has reviewed the question of surveying the entire Right of Way through the Indian Reserve and concluded it to be inappropriate at this time. You should proceed with our original contract noted above.

We will consider a written request for an extension that may have been created by this delay.

Thank you for your patience, if you have any further questions do not hesitate to call me at 828-4666.

Yours truly,

G.A. Ward, B. Comm., RI(BC), A.A.C.I.
Regional Property Agent

J.M. Malinsky
Property Management/Land Survey Co-Ordinator

JMM/jr

cc: Lorne Ekstrom, Land Survey Officer, MOTH, Victoria

cc: Doug Kirk, District Highways Manager, Nicola District

REGIONAL PROPERTIES
Thompson-Okanagan
523 Columbia Street
Kamloops, B. C. V2C 2T9
Fax. No. 828-4229
Telephone 828-4267

Our file: PS 50345

May 23, 1990

Nicola Valley Tribal Council
Box 188
Merritt, B. C.
V0K 2B0

Attention: Doug Springford

Dear Sir:

Re: Right of way Highway 8 through the Nooaitch I.R. #10

Thank you for your letter of May 14, 1990 stating the Nooaitch Band's agreement to the Ministry's offer of \$1,600.00 in exchange for the 1.282 hectares of new right of way.

To complete the agreement the Ministry will need a Band Council Resolution outlining the terms of the agreement and worded as follows.

"Be it hereby resolved that the Nooaitch Indian Band Council does hereby agree in accordance with the Indian Act RSC 149, Section 35, to transfer lands from the Nooaitch Indian Reserve to the British Columbia Ministry of Transportation and Highways for highway purposes and other works of public utility in exchange for the following compensation.

Lands and Compensation

Ministry of Transportation and Highways obtaining 1.282 hectares of new right of way from the Nooaitch Indian Reserve as shown outlined on District Plans 8-28-1 and 8-26-3 in exchange for compensation in the amount of \$1,600.00 payable to the Receiver General for Canada and forwarded to the Nicola Valley Tribal Council Office, Merritt. This agreement is subject to the new right of way being legally surveyed and the total area conforming to 1.282 hectares or less....."

We will upon receipt of the Band Council Resolution voucher the compensation and forward the plans and Band Council Resolution to the Dept. of Indian and Northern Affairs. If you require further clarification, please let me know.

Yours truly,

G. A. Ward, A.A.C.I., B.Comm, R.I. (BC)
Regional Property Agent

K. J. Ellicott
Property Agent

KJE/ab
enc.

- Survey Dist. plan
- Acknowledge letter
- B.C.R. wording? see 35 I.A transfer
- ~~Total~~ Area
- B.C.R. to D.I.D with plans
- STAT. R/W plan

NICOLA VALLEY TRIBAL COUNCIL

P.O. BOX 188, MERRITT, B.C. V0K 2B0
PHONE (604) 378-4235, FAX (604) 378-9119

UPPER NICOLA BAND

SHACKAN BAND

LOWER NICOLA BAND

NOOAITCH BAND

COLDWATER BAND

May 14, 1990.

Mr. K.J. Ellicott
Property Agent
Ministry of Transportation
and Highways
523 Columbia Street
Kamloops, B.C.
V2C 2T9.

PROPERTIES BRANCH
Ministry of Transportation & Highways

MAY 17 1990

KAMLOOPS, B.C.

Dear Sir:

Re: Right of Way for Highway 8
through Nooaitch I.R. No. 10.

=====

I have been informed by the Chief of the Band that your offer is accepted. Please ensure the following:

- 1) The legal survey corresponds to the Survey plans exactly;
- 2) The cheque is payable to the Receiver General for Canada and delivered to this office prior to our signing the documents.

If I can be of assistance to you, please let me know.

Yours truly



Doug Springford.
Policy and Planning Advisor.

LDS/bj.



Province of
British Columbia

Ministry of
Transportation
and Highways

MEMORANDUM

To: Regional Director
Thompson/Okanagan Region
Ministry of Transportation & Highways
523 Columbia Street
Kamloops, B.C. V2C 2T9

Attn: K.J. Ellicott

Date: May 14, 1990
Branch/Dist: Highways, Merritt
Address: Bag 4500
Merritt, B.C.
V0K 2B0
Phone: 378-9359
Hdqtrs. File:
Region File:
District File: 214-21-57/139

RE: Right-of-Way - Highway #8 Through Indian Reserve #10

The District acknowledges that some portions of travelled road may lie outside our existing 66' right-of-way shown on the C.I.S.R. Plan.

Plans 8-26-3 and 8-28-1 were drawn to acquire right-of-way for specific areas within I.R. #10 where rock blocked sight distances on some curves. Until the Regional Planning department determines their strategic corridor strategy for Hwy #8 we will be unable to advise on our ultimate right-of-way requirement.

I trust the above answers your question. Do not hesitate to contact me if you require further information.

Yours truly

D.S. Kirk
District Highways Manager

Per:

J.C. Jensen
District Technician

JCJ/rmt



PROPERTIES BRANCH
Ministry of Transportation & Highways

MAY 17 1990

KAMLOOPS, B.C.



Province of
British Columbia

Ministry of
Transportation
and Highways

PROPERTIES BRANCH
Thompson-Okanagan
523 Columbia Street
Kamloops, B. C. V2C 2T9
Fax. No. 828-4229
Telephone 828-4268

May 9, 1990

PS 50345

R 21401

Mr. S. R. Leggett
B. C. Land Surveyor
204, 655 Victoria Street
Kamloops, B. C. V2C 2B3

Dear Mr. Leggett:

Re: Legal Survey for Statutory Right of Way Plan
for Highway through part of I.R. #10 (Nooaitch Reserve), K.D.Y.D.

Merritt-Spences Bridge Road No. 8 (± 1.10 km)

As per our discussion on delay of this contract to allow us time to investigate the situation of the narrow Right of Way.

In the interim Lorne Ekstrom is forwarding a request for estimate on a proposed survey project near Little Fort on Highway 24.

The completion date for this contract (P5813-R21401) will obviously be adjusted to allow sufficient time to complete this project as soon as a decision is made to the direction we take. If any additional costs arise from this delay notify me immediately with an itemized account.

If you wish a progress payment for the interim, please supply me with a detailed breakdown of the work performed along with your invoice.

We commend you for your astute observation and cooperation in this matter.

Yours truly,

G. A. Ward, B.Comm, R.I. (BC), A.A.C.I.
Regional Property Agent

Julian Malinsky
Property Management/
Land Survey Coordinator

JM/ab

cc: Lorne Ekstrom
Land Survey Officer, Victoria

District Highways Manager
Nicola District

K. J. Ellicott, Property Agent

District Highways Manager
Nicola District
Merritt

May 8, 1990
PROPERTIES BRANCH
Thompson-Okanagan
523 Columbia Street
Kamloops V2C 2T9
828-4267

PS 50345

Attention: Jon Jensen

Re: Right of way Spences Bridge Road No. 8, I.R. No. 10

In early March we opened negotiations with the Nicola Valley Tribal Council with a view to settling District Plans 8-26-3 and 8-28-1.

Mr. Leggett, the B. C. Land Surveyor assigned to do the legal plan, informs us that much of the constructed road lies outside the 66 ft. right of way and as this is an issue the Band may raise we would like to be clear about our response. Perhaps you might want to take a second look at the right of way situation within I.R. No. 10.

As Mr. Leggett is anxious to continue with the survey, might we have a quick response as to whether he should at this time just survey as per the District plans or wait pending a District review of the whole question.

G. A. Ward
Regional Property Agent

K. J. Ellicott
Property Agent

KJE/ab

Doug Springfield -

s.22

25/04/90 - Doug Springfield said that the
band are looking at the situation and
will reply -
Lynda Shakley - Band Manager



MEMORANDUM

To: The person
who approves
Contracts over
\$5,000.00

File


April 23, 1990
Properties Branch
Phone: 828-4666
Proj. #: P5813-R21401
P.S. 50345

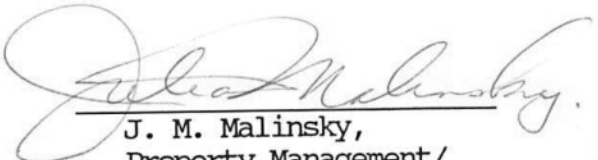
RE: CONTRACT APPROVAL FOR LEGAL SURVEYS - OVER \$5,000.00

Estimate: \$8,595.00

Legal Survey for the survey of 5 separate widenings along Highway 8, within
Nooaitich Indian Reserve No. 10 - Merritt - Spencer's Bridge.

Recommended


Reg Mgr Prop Serv.


J. M. Malinsky,
Property Management/
Land Survey Co-Ordinator



April 23, 1990
Properties Branch
Thompson Region
523 Columbia St.,
Kamloops, BC V2C 2T9
828-4268
LS 8(R21401)

Mr. S. R. Leggett,
S. R. Leggett & Associates,
B.C. Land Surveyors,
#204 - 655 Victoria St.,
KAMLOOPS, B.C.
V2C 2B3

File P.S. 50345

Dear Mr. Leggett:

Re: Project P5813-R21401
Legal Survey for a Statutory Right of Way Plan
for Highway through part of I.R. #10 (Nooaitich)
Reserve all in K.D.Y.D.

Merritt - Spencers Bridge Road No. 8 (1.10 km⁺)

Thank you for your letter fax of April 19, 1990, in which you supply an explanation of potential difficulty and an estimate for the works.

As this meets with our approval we have enclosed a contract. The works shall be as described therein and Mr. Ekstrom's letter of March 12, 1990.

Please sign the forms in the appropriate space and return the white and pink copies to this office.

Yours truly,

G. A. Ward, B. Comm., RI(BC), A.A.C.I.
Regional Property Agent

J. M. Malinsky
Property Management/Land Survey Co-Ordinator

LHE/dml

Attach.

c.c.: L. Ekstrom, Land Survey Officer, Victoria



Province of
British Columbia

Ministry of
Transportation
and Highways

MEMORANDUM

Regional Properties Branch
Ministry of Transportation & Highways
Thompson - Okanagan Region
523 Columbia Street,
KAMLOOPS, B.C.
V2C 2T9

April 20, 1990
Land Surveys
3C-940 Blanshard St.
Victoria, B.C. V8W 3E6

387-3054
LS 8(2533)old proj. #
R21401 - new proj. #
PS 50345

PROPERTIES BRANCH
Ministry of Transportation & Highways

ATTENTION: Mr. J. Malinsky

APR 27 1990

Re: Project P5813-R21401
Legal Survey for a Statutory Right of Way Plan
for Highway through part of I.R. #10 (Nooaitich)
Reserve all in K.D.Y.D.

KAMLOOPS, B.C.

MERRITT - SPENCERS BRIDGE ROAD NO. 8 (1.10 km[±])

The above survey was requested by J. Ellicott - see total file details enclosed.

I recommend the approval and the assignment of same and to that end have prepared a contract, covering letter and approval slip for your pursual.

The surveyor is anxious to begin this survey, and I have informed him, I would request it to be expedited at your end.

L. H. Ekstrom,
Land Survey Officer.

LHE/dml
encls.

c.c. Mr. J. Ellicott, Property Agent, Thompson-Okanagan Region, Kamloops
File: PS-50245-

50345



March 12, 1990
Land Surveys
3C-940 Blanshard St.
Victoria, B.C.
387-3054
LS 8(2533)

Mr. S. R. Leggett,
S. R. Leggett & Associates
B.C. Land Surveyors,
#204 - 655 Victoria Street,
KAMLOOPS, B.C.
V2C 2B3

Dear Mr. Leggett:

Re: Project P5832-2533
Legal Survey for a Statutory Right of Way Plan
for Highway through part of I.R. #10 (Nooaitich)
Reserve all in K.D.Y.D.

Merritt - Spencers Bridge Road No. 8 (1.10 km+)

May I be given your cost estimate for the survey and Statutory Right of Way Plan through the above noted Indian Reserve.

The areas to be surveyed are inlined in red on the enclosed half size print of District Plans 8-28-1 and 8-26-3.

Note: Since this survey is through an Indian Reserve, survey instructions will have to be ordered from the Regional Surveyor for B.C. I am sending him a print of the proposed works and alerting them of your upcoming request.

The Bold Black Outline will encompass only the new takings as inlined in red.

In preparing your estimate, please consider the following:

1. The works are to be inclusive of: Title Search, Plan Search, Survey, Calculations, Monumentation and completion of Plan(s).
2. The Survey and Plan for Statutory Right of Way Plan for Highway will be in accordance with the Surveyor General's "Instructions Regarding the Legal Surveys of Highway Rights of Way" (Boundary Method).
 - Type 4 monuments are to be Type 4(1a).
 - Type 4 monuments are to be placed a block or section corners in preference to deflections.

March 12, 1990

Re: Project P5832-2533
Merritt - Spencers Bridge Road #8 (1.10 km±)

3. The returns, consisting of the original mylar, one paper print, and a check print showing the stations used for the check and a computer print out of area calculations are to be submitted to the Lands Survey Officer.
4. The completed Statutory Right of Way plan returns must be submitted within 4 months of contract assignment.
5. It is the surveyors responsibility to ascertain if the survey is in an integrated survey area and the estimate is to reflect the price of the requirements there-in.
- 6.. Supply a breakdown of the rates and proposed hours of each classification of labour, equipment, materials, and the proposed number of monuments, all totalled to arrive at your estimated cost.

A similar breakdown and a copy of the time sheet and invoices must accompany your final invoice.

7. Note the Ministry reserves the right to request a subsequent estimate if in the Land Survey Officer's opinion the initial one is unreasonable.
8. Overruns up to 10% of the estimate will be assessed on their individual merit. An explanatory letter and a print of the plan showing off-site, unusual or unforeseen works, in colour, will be required.
9. Please note the project number on all correspondence.

Yours very truly,



L. H. Ekstrom,
Land Survey Officer.

PROPERTIES BRANCH
Ministry of Transportation & Highways

MAR 15 1990

KAMLOOPS, B.C.

LHE/dml
encls.

c.c. Regional Properties Branch, Thompson Okanagan Region, KAMLOOPS
Attention: Mr. J. Ellicott File: PS 50345
Note: Plan 2455 looks interesting - Is it a recognized legal Plan?

c.c. District Highways Manager, Nicola District, MERRITT
District Plan 8-28-1 and 8-26-3

HOUSE MAIL

REGIONAL PROPERTIES
Thompson-Okanagan
523 Columbia Street
Kamloops, B. C. V2C 2T9
Fax. No. 828-4229
Telephone 828-4267

Our file: PS 50345

March 7, 1990

Nicola Valley Tribal Council
Box 188
Merritt, B. C.
V0K 2B0

Attention: Mr. Doug Springfield

Dear Sir:

Re: Right-of-way for Highway 8
through the Nooaitch I.R. No. 10

Attached please find Plans numbered 8-26-3 and 8-28-1 which show in red outline additional right-of-way required for Highway No. 8 within I.R. No. 10. This right-of-way was required in the spring of 1984 to accomodate some rock work that the District wanted to do in the vicinity of s.22. Apparently the Band and the District came to a mutual agreement regarding rip-rap material that resulted from rock work that the District proposed to do within the Reserve.

I am attaching a copy of the Band Council Resolution dated March 5, 1984 for your information. The following shows the acreage breakdown.

8-28-1	R/W	0.312 ha	
	R/W0	<u>0.600 ha</u>	
		0.912 ha	TOTAL 0.912 ha
8-26-3	R/W	0.157 ha	
	R/W	0.067 ha	
	R/W	<u>0.146 ha</u>	
		0.37 ha	<u>TOTAL 0.37 ha</u>
			TOTAL 1.282 ha = 3.17 acres

As the new right of way is comprised entirely of steep embankment and rock cuts it is felt that \$ 500.00 per acre would be a liberal value as compensation. Thus our offer of compensation is as follows:

1.282 ha x 1236 = \$ 1584.55
Rounded to \$ 1600.00

I would be pleased to meet with you to discuss the situation and if you have any questions please contact the writer.

Yours truly,

G. A. Ward, A.A.C.I., B.Comm, R.I. (BC)
Regional Property Agent

K. J. Ellicott
Property Agent

KJE/jr
enc.



L. H. Ekstrom
Land Survey Officer
3D-940 Blanshard Street
Victoria, B.C.
V8W 3E6

Property Services
Thompson-Okanagan Region
523 Columbia Street
Kamloops, B.C. V2C 2T9
828-4243

REQUEST FOR LEGAL SURVEY AND PLAN FORM "A"

Date: February 26, 1990 PS # 50345

1. Requesting agent Joe Ellicott Phone: 828-4267

2. Reason for Survey

(a) Acquisition for Capital Project. Contract No. _____
Project Name _____
Project Supervisor _____ Phone: _____
Highway District _____
Electoral District _____

(b) Acquisition for District Work
Road Name and Number Merritt-Spences Bridge Road No. 8
Highway District Nicola
Electoral District Yale Lillooet
Construction Date (a) or (b) Constructed
Isolated Purchase (1) X or further requests to follow
(2) _____. If (2) complete Scope of Survey FORM "B".

(c) Agreement/s Pending & Permission to Survey Granted _____

3. Type of Plan Requested

(a) Reference _____ Explanatory _____
Pursuant to Sec. 107 LTA _____ Pursuant to Sec. 3, EA _____
Pursuant to Sec. 6, EA _____ BCLS to be informed _____
Property Agent to complete _____

(b) Subdivision _____ (Consolidation) and/or DESCRIBE BELOW

(c) Statutory Right of Way for Highway X (Property must be
gazetted or Indian Reserve.)
Statutory Right of Way for Easement _____ (Drainage etc.)

(d) Other _____ DESCRIBE BELOW

4. Legal Description of Parcel/s

I.R. No. 10 (Nooaitich) Reserve

Area negotiated for: 0.912 ha. or (as shown on control plan/s _____)
Copy of Title Enclosed Indian Reserve P.I.D. # _____
Inlined in red on - District Plan No. 8-28-1
- Design Plan Dwg. No. _____

5. New Area Boundary Measured From:

(a) Property lines _____

(b) Highway Alignment control _____
If (b) / Centre line is in _____. References are available
to the BCLS _____ or otherwise EXPLAIN _____



L. H. Ekstrom
Land Survey Officer
3D-940 Blanshard Street
Victoria, B.C.
V8W 3E6

Property Services
Thompson-Okanagan Region
523 Columbia Street
Kamloops, B.C. V2C 2T9
828-4243

REQUEST FOR LEGAL SURVEY AND PLAN FORM "A"

- Date: February 26, 1990 PS # 50345
1. Requesting agent Joe Ellicott Phone: 828-4267
2. Reason for Survey
(a) Acquisition for Capital Project. Contract No. _____
Project Name _____
Project Supervisor _____ Phone: _____
Highway District _____
Electoral District _____
(b) Acquisition for District Work
Road Name and Number Merritt Spences Bridge Road No. 8
Highway District Nicola
Electoral District Yale Lillooet
Construction Date (a) or (b) Constructed
Isolated Purchase (1) X or further requests to follow
(2) _____. If (2) complete Scope of Survey FORM "B".
(c) Agreement/s Pending & Permission to Survey Granted _____
3. Type of Plan Requested
(a) Reference _____ Explanatory _____
Pursuant to Sec. 107 LTA _____ Pursuant to Sec. 3, EA _____
Pursuant to Sec. 6, EA _____ BCLS to be informed _____
Property Agent to complete _____
(b) Subdivision _____ (Consolidation) and/or DESCRIBE BELOW
(c) Statutory Right of Way for Highway X (Property must be
gazetted or Indian Reserve.)
Statutory Right of Way for Easement _____ (Drainage etc.)
(d) Other _____ DESCRIBE BELOW
4. Legal Description of Parcel/s
I.R. No. 10 (Nooaitich) Reserve
Area negotiated for: 1.282 ha. or (as shown on control plan/s _____)
Copy of Title Enclosed Indian Reserve P.I.D. # _____
Inlined in red on - District Plan No. 8-26-3
- Design Plan Dwg. No. _____
5. New Area Boundary Measured From:
(a) Property lines _____
(b) Highway Alignment control _____
If (b) / Centre line is in _____. References are available
to the BCLS _____ or otherwise EXPLAIN _____

21/12/89

GEORGE:

I WOULD LIKE TO ACTIVATE THIS FILE TO GAIN
SOME EXPERIENCE IN DEALING WITH OUR NATIVE
BRETHREN

- DO WE NEED AN APPRAISAL - SEEMS I RECALL
A MEMO FROM I.A.N.D. REQUIRING APPRAISALS

K/S

John - please discuss procedure early in
the New Year.

Edward 22/12/89

LEGAL SURVEY + ~~APPRAISALS~~

Donq Springfield

- Doug Springfield - Nicola Valley Tribal
Council

P.O. Box 188, Merritt BC V0K 2B0
378. 9119

- Indian Affairs & Northern Development

~~S~~ P.O. Box 1000

800 Burrard St.

Vancouver, B.C. V6Z 2J3

s.22

84-05-02 - Left copy of letter dated April 11, 1984
with D. Byers.

84-05-08 - Requested that D. Byers respond to Gerald
fairly soon.

District Highways Manager
Merritt

April 11, 1984

P/N 50345

Re: Nooaitch Indian Reserve #10

Please find enclosed a copy of a letter dated April 6, 1984 from
D. I. F. MacSween wherein he has requested specific information.

Could you please assist in providing the information requested.

In the future, please ensure that our Branch is consulted when dealing
with requirements from an Indian Reserve that are determined not to
fall within an established right-of-way.

G.A. Ward, B.Comm, RI (BC)
Regional Property Negotiator

JAH/ab
enc.

REGIONAL PROPERTY NEGOTIATOR

John H

Pls review the correspondence

Could you please discuss
with me - I need some
information obtained from

DH17

s.22

Alix

EW

10/4/84



H118

To: Regional Director
Ministry of Transportation & Highways
KAMLOOPS

Date: April 6, 1984

Headquarters File:

Regional File: P/N 50345(?)

District File:

Attention: George Ward
Regional Property Negotiator

Re: Nooaitch Indian Band

Reference our telex and telephone conversation, please find enclosed Mr. Byers reply. Note the P/N file is presumed for the moment.

You will note at the beginning of paragraph three, that "the bulk of the rock work is within what we consider to be our right-of-way".

If it is in our right-of-way, why do we need a B.C.R?

If it is not in our right-of-way, why was our Branch not consulted in the negotiation process?

In order to determine which of the two questions above has to answered, through the offices of your Regional Director, would you kindly arrange to have a plan prepared which clearly shows the right-of-way boundaries, the original rock bluff and the new rock edge, and a new right-of-way boundary, if required. Please have the District include illustrative photos with relevant comments.

It would be appreciated if the plan and photos could be forwarded by return mail or sooner.

A. C. Brown
Director of Property Services

Per:

D. I. F. MacSween
Senior Property Negotiator

DIFM/tlc

REGIONAL PROPERTY SERVICES
MINISTRY OF TRANSPORTATION
AND HIGHWAYS

APR 10 1984

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

[illegible]

Page 49 of 98 TRA-2019-96365



H118

To: D. I. F. Macsween
Senior Property Negotiator

Victoria, B.C.

Merritt (R2)

Date: April 2, 1984

Headquarters File:

Regional File:

District File: 25-20-4C

Re: Nooaitch Indian Band

Regarding your enquiry about the District planning some work at s.22 we are presently completing some work on Highway #8 in an area that is referred to as s.22 by the Nooaitch Band. This office was approached several weeks ago by the Nooaitch Indian Band Manager to discuss the possibility of us doing some rock work on Highway #8 in the Reserve. They were aware of our interest in doing some rock work in this area and they wanted to obtain rip rap material so that they could make repairs to areas in the reserve that had suffered erosion damage during the January floods. They were also interested in obtaining a stockpile of rip rap that they could use in the future or sell to other bands. As we had no use for the rock, we were quite interested in their proposal since it would mean considerable savings in trucking costs. In the past when we had contemplated working in this area it was our intention to haul and waste the rock.

So we were faced with a rather unusual opportunity what with funds being made available and the band actually interested in seeing us do this work. So after working out some other details with the Band Manager we received a B.C.R. and commenced work. To date the Band Manager seems happy with whats been done and we are in the process of completing this project.

The bulk of the rock work is within what we consider to be our right-of-way through the reserve. We are not changing the horizontal alignment of the road although the vertical alignment will be improved at one point. Basically we are improving the sight distance and obtaining a wider shoulder and a ditch line.

We have attached a copy of the B.C.R. for your information.

Please advise if you have any further questions regarding this matter.

D. L. Byers, P. Eng.
District Highways Manager

DLB/aj

District Highways Manager
Merritt

April 4, 1984

P/N 350345

Re: Nooaitch Indian Reserve # 10

Further to your recent request, please find enclosed a copy of R.G. Harvey's June 7, 1979 letter as well as a copy of Circular #G22/79.

We also enclose a copy of D.I.F. MacSween's letter dated December 10, 1979 for your information.

G.A. Ward
Regional Property Negotiator

GAW:la
Enc.



H118

To: Regional Director
Ministry of Transportation
and Highways
KAMLOOPS

Date: March 30, 1984

Headquarters File:

Regional File: I. R. General

District File:

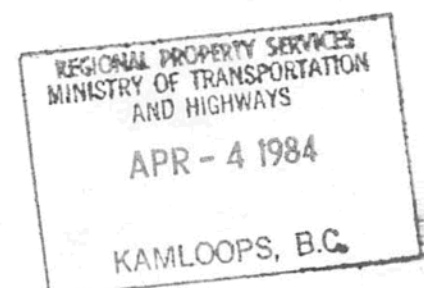
Attention: Regional Property Negotiator

Further to our phone call of 30 March, 1984, we attach copies of Ministry Circular G22/79 dated 24 May, 1979 and Deputy Minister's memo dated 7 June, 1979, which deal with "entry for construction" and the possible consequences of not following standing instructions when so doing.

A. C. Brown
Director of Property Services

R. Hadley
for Per: D. I. F. MacSween
Senior Property Negotiator

RH/im
Enc.



70-01-93

June 7, 1979

Regional Highway Engineers

- Burnaby
- Kamloops
- Nanaimo
- Nelson
- Prince George
- Terrace

Re: Entry for Construction
Circular No. G22/79

I attach copy of the above for your special attention.

Please ensure that you have spoken to each District Highways Manager in your Region on this; make sure he understands; make sure he draws it to the attention of all his staff; also that each regional official involved understands it and has drawn it to the attention of his people. Then confirm to me in writing please that you have done this.

If in future clear cases of conducting our operations contrary to this instruction come to light, then we intend to take action against the employee concerned by way of suspension, etc. It is incumbent upon you that the regular excuse of "not knowing" is not supportable and you would be well advised to document your instructions specifically to those implementing them.

Original Signed By

R.G. Harvey
Deputy Minister

Attach.
RGEH/cl

bcc: Honourable Minister(with attachment)

Ministry of Transportation,
Communications and Highways
940 Blanshard Street
Victoria, B. C.
V8W 3E6
1979 05 24

Circular No.: G22/79

File: 70-01-93

TO ALL: BRANCH HEADS
REGIONAL HIGHWAY ENGINEERS
DISTRICT HIGHWAY MANAGERS

Re: Entry for Construction

Your attention is drawn to the manual of Policy and Procedure Ch. 4.

"4.21 COMPENSATION UNDER THE HIGHWAY ACT

Powers

The "Highway Act" gives the Minister wide powers. The exercise of these creates an obligation, particularly in compensation, and they must be used discreetly.

Policy

Before any land is "entered" or taken possession of, compensation for land and improvements must be settled, where applicable, or at least a fair offer made to the registered owner (holder of Agreement for Sale, trustee, executor, etc.) If this cannot be done the Deputy Minister must be advised. The occupant, if not the registered owner, must also be informed of the Ministry's intentions."

There has been a great deal of abuse of this item which is unacceptable. It is incumbent upon all members of staff to ensure that all those owners of property affected by any right-of-way are dealt with fairly and competently. For purposes of this instruction, unregistered Crown land is to be considered owned by Lands Branch.

Adequate plans for right-of-way acquisition are to be produced and submitted to the appropriate Regional Property Negotiator. Adequate time for acquisition is to be allowed. Should entry on Lands be necessary before acquisition, authority is to be obtained prior to such entry, from the Regional Highway Engineer who will so advise the Regional Property Negotiator. The Regional Property will make every effort to obtain the property required before entry. The Deputy Minister must be advised where entry is necessary before acquisition has taken place. Entry without permission will not be tolerated and future abuses will be viewed in a most serious manner. Kindly ensure all members of your staff are fully aware of the implications of this directive.

Standing Accounting Instructions A-95-3 (55-06-20) and A-110-1 (69-06-02) which refer to above are at present being rewritten and will follow in due course.


A. E. Rhodes
Assistant Deputy Minister

HWY REG KAM
HWY HQ VIC

D L BYERS
DIST HWY MGR
HERRITT

RE NOOATICH INDIAN BAND

MAY I RECEIVE A REPLY TO MY TELEX OF 28 MARCH 1984

RE s.22

A C BROWN
DIR OF PROPERTY SERVICES

PER D I F MACSWEEN
SR PROPERTY NEGOTIATOR

CC REG PROPERTY NEGOTIATOR
KAMLOOPS

VICTORIA
APR 2/84

1:56 PM
HWY REG KAM

District Highways Manager
Merritt

March 29, 1984

P/N 50345

Attention: D. Byers

Re: Nooaitch Indian Band

Please find attached for your information a copy of General Directive P.S. 9 regarding entry onto Indian reserves. We are still trying to locate a directive of similar nature from 1981 and will forward same to you as soon as possible.

G.A. Ward
Regional Property Negotiator

la
Attach.



MEMORANDUM

H118

To: Regional Director
Ministry of Transportation & Highways
KAMLOOPS

Date: March 28, 1984

Headquarters File:

Regional File: NOOAITCH Indian Band

District File:

Attention: George Ward
Regional Property Negotiator

Enclosed herewith please find a copy of self-explanatory correspondence from Mr. McCullough of Indian Affairs Canada.

I regret that I am not aware of the details of this transaction, for I have not been advised of Reserve name, encroachment details etc of this project.

Is this just a daylighting of a corner or a R/W taking? What happens if shot rock is not suitable for rip-rap? Is survey off our 66' right-of-way area?

Please advise. Cannot find applicable file number.

A. C. Brown
Director of Property Services

Per:

D. I. F. MacSween
Senior Property Negotiator

DIFM/tlc

Enclosure



DISTRICT HIGHWAYS MANAGER
MINISTRY OF TRANSPORTATION & HIGHWAYS
HERRITT, B.C.

MARCH 28, 1984

Nooaitch Indian Band

D'ARCHY BYERS

NOOAITCH INDIAN BAND

s.22 I UNDERSTAND THAT YOU PLAN SOME WORK IN THE NEAR FUTURE AT ^{s.22}
WHEREVER THAT IS, AND THAT AN INDIAN RESERVE MAY BE INVOLVED.

PLEASE FORWARD EXPLANATORY DETAILS AT YOUR EARLIEST CONVENIENCE.

A. C. BROWN
DIRECTOR OF PROPERTY SERVICES

PER:

D. I. F. MACSWEEN
SENIOR PROPERTY NEGOTIATOR

DIFM/tlc

cc. REGIONAL PROPERTY NEGOTIATOR
MINISTRY OF TRANSPORTATION & HIGHWAYS
KAMLOOPS - BY LETTER



Indian and Northern Affairs Canada
Affaires Indiennes et du Nord Canada

PROPERTY SERVICES BRANCH
MINISTRY OF TRANS. & HWYS.
MAR 27 1984
Noted _____
Victoria, B.C. _____

P.O. Box 1000
800 Burrard Street
Vancouver, B.C.
V6Z 2J3

March 22, 1984

Province of British Columbia
Ministry of Transportation & Highways
940 Blanshard Street
Victoria, B.C.
V8W 3L6

Your file Votre référence

Our file Notre référence E5673-07260

ATTN: D.I.F. MacSween

Dear Sirs:

Re: Band Council Resolution
NOOAITCH INDIAN BAND

Enclosed for your information is a copy of Band Council Resolution that we have received from the Nooaitch Indian Band Council, granting you permission to blast along the highway.

Very truly yours,

S.A. McCullough
Acting Manager
Land Administration
Reserves & Trusts
B.C. Region

encl.

Canada

**BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE**

Chronological No. - Numéro consécutif

H.Q. Reference - N° de réf. du b. pr.

NOTE: The words "From our Band Funds" must appear in all resolutions requesting expenditures from Band Funds.
NOTA: Les mots "des fonds de notre bande" doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	NOOAITCH INDIAN BAND	Capital balance Solde de capital	\$
AGENCY AGENCE	CENTRAL VANCOUVER	Committed - Engagé	\$
PROVINCE	BRITISH COLUMBIA	Revenue balance Solde de revenu	\$
PLACE NOM DE L'ENDROIT	MERRITT	Committed - Engagé	\$
DATE	5 DAY - JOUR MARCH MONTH - MOIS AD 19 89 YEAR - ANNÉE		

DO HEREBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

THAT the Department of Highways be allowed to blast the rock along highways in the vicinity of s.22 providing the following conditions are adhered to:

THAT the material be blasted into shot-rock that will be suitable for river rip-rapping with an approximate size of 18" to 36";

AND THAT the shot-rock be stockpiled in a reserve site which is designated by the Band;

AND THAT the stockpile site be cleared out previous to stockpiling of the shot-rock at no cost to the Band;

AND THAT the rock be sole property of the Band;

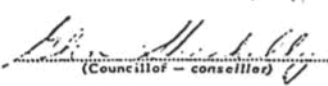
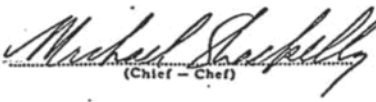

THAT Band equipment be used where possible;

THAT Band members be hired where possible;

THAT Contractors be required to hire Band members where possible;

→ AND THAT the Department of Highways Surveyors be allowed on Band land along Highway # 8 for survey purposes only until June 30, 1984.

AND THAT the Band's immediate rip-rap needs be taken care of, namely the s.22 and s.22 properties.

 (Councillor - conseiller)	 (Chief - Chef)	 (Councillor - conseiller)
..... (Councillor - conseiller)	..... (Councillor - conseiller)	..... (Councillor - conseiller)
..... (Councillor - conseiller)	..... (Councillor - conseiller)	..... (Councillor - conseiller)
..... (Councillor - conseiller)	..... (Councillor - conseiller)	..... (Councillor - conseiller)

FOR HEADQUARTERS USE ONLY - RÉSERVÉ AU BUREAU PRINCIPAL				
1. TRUST ACCT COMPTE DE FIDUCIAR	2. CURRENT BALANCES - SOLDES COURANTS		3. Expenditure Dépenses	4. Authority - Autorité Indian Act Sec Art. de la Loi sur les Indiens
	A. Capital \$	B. Revenue - Revenu \$		
5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenu				
6. Recommended - Recommandé				
Date Authorized Officer - Fonctionnaire autorisé			Date Assistant Deputy Minister - Sous-ministre adjoint	

HWY REG KAM

CNCP MULTI ADR
GUP289 MAR 28 1410 EST

HWY HQ VIC
008 010
TX 048-8299 HWY R2 KAM

DISTRICT HWY MGR
MERRITT

ATTN D'ARCHY BYERS

RE NOORITCH INDIAN BAND

I UNDERSTAND THAT YOU PLAN SOME WORK IN THE NEAR FUTURE AT

s.22

WHEREVER THAT IS, AND THAT AN INDIAN

RESERVE MAY BE INVOLVED.

PLEASE FORWARD EXPLANATORY DETAILS AT YOUR EARLIEST CONVENIENCE.

A C BROWN
DIR OF PROPERTY SERVICES

PER D I F MACSWEEN
SR PROPERTY NEGOTIATOR

CC REGIONAL PROPERTY NEGOTIATOR
KAMLOOPS - BY LETTER

VICTORIA
MAR 28/84



HWY REG KAM



H118

To: Regional Highway Engineer

Kamloops

Re: Nooaitch Indian Reserve

Ministry of Transportation
Communications & Highways

APR 9 - 1979

KAMLOOPS, B.C.

Merritt (R2)

Date: April 6, 1979

Headquarters File:

Regional File:

District File: 25-20-4C

Attached is another item from the community newspaper "Nicola Indian" regarding the rockwork we attempted within the right-of-way through the Nooaitch Indian Reserve, for your information. We had the Regional Property Negotiator check on the status of our 1931 right-of-way plan to ensure that it was valid and not just a provisional plan. He was able to confirm the validity of the plan. Headquarter Property Services has been made aware of the status of this right-of-way so I assume that Headquarters will respond to these letters.

I have made no written contact with ^{s.22} regarding this matter.

D. L. Byers
D. L. Byers, P. Eng.,
District Highways Manager.

DLE/aj
Attach.

*C.C. Sr Prop Neg
for your info
& advise please.
B. 79.04.10*

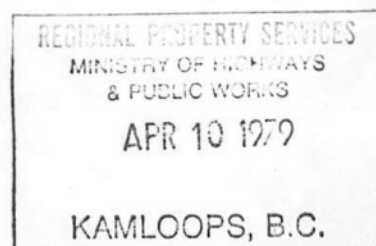
done

79-04-09

→ R. BARNETT

INFO.

[Signature]



HIGHWAY IMPROVEMENT PROJECT CAUSES A REACTION

Director of Property Services
VICTORIA

April 5, 1979

Attention: D.I. McSweeney
Senior Property Negotiator

P/N 50345

From: Regional Property Negotiations
Kamloops

Re: Nootch Indian Reserve No. 10

The attached was acquired from the Indian Affairs Branch, and is
forwarded for your information.

Robert E. Burnett
Regional Property Negotiator

GS/lk
Attach.

cc: District Highways Manager,
Merritt.

s.22

H-038296

JUN 10 10 30 AM '78

Naalton

INDIAN RESERVE

NO. 10

Belted Cuckoo

Chick in Canyon

NUMBER OF PERCHES

2

Privy Council
Canada

AT THE GOVERNMENT HOUSE AT OTTAWA
MONDAY, THE 16th day of NOVEMBER, 1931

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Government of the Province of British Columbia has applied to the Department of Indian Affairs for parcels of land required as right of way for road through the Nooaitch Indian Reserve, Number Ten, in the Nicola Indian Agency, which may be described as follows:

ALL those parcels of land in the Nooaitch Indian Reserve, Number Ten, containing together thirty-nine acres and forty-three hundredths of an acre, more or less, being composed of a right of way for a provincial road through the said reserve, as said right of way is shown on a plan of survey recorded in the Surveys Branch of the Department of Indian Affairs under number Rd. 2455.

AND WHEREAS the Superintendent General of Indian Affairs reports that the compensation has been valued by an officer of the department of Indian Affairs at \$1000.00 and that this account has been received from the Provincial Government in payment;

THEREFORE His Excellency the Governor General in Canada, on the recommendation of the Superintendent General of Indian Affairs is pleased to order that the said land be and it is hereby transferred to the said Government of the Province of British Columbia, pursuant to the provisions of Section 48 of the Indian Act.

" "

Clerk of the Privy Council

The Honourable
the Superintendent General of Indian Affairs

H-038296

"Jan 28 8:35 AM '75

Nooaitch
INDIAN RESERVE NO. 10

British Columbia

Order in Council

NUMBER OF PIECES 2

COPY

Province British Columbia		Indian and Northern Affairs Alliances indiennes et du Nord		RESERVE GENERAL REGISTER - REGISTRE GÉNÉRAL DE LA RÉSERVE	
Agency - Agence Thompson River	Reserve - Réserve Noosatch #10	Band - Bande Noosatch	Date Established - Date d'établissement August 26, 1878		
Authority - Autorisation	Title Deed - Titre de propriété	Original Survey - Premier Arpentage	Original Area - Superficie originale	2310.00	

General Remarks - Remarque générales

Band name changed to Noosatch by PC 1955-12/284 of February 25, 1955, File 169/29-277

Item No. No de l'inscription	Instrument Acte	Number Numéro	Date	Grantor/Grantee Donateur/Bénéficiaire	Land - Terrain	Acres Superficie	Present Reserve Area Superficie de la réserve	File No. No du dossier	Remarks - Remarques
		Noosatch 10.			Noosatch. In Township 14, Range 23, Sections 2, 10, 11, 14, 15, 20, 21, 27, 28, 32, & 33; Township 15, Range 23, Sections 3 & 4, W of 6th meridian. On the banks of Nicola River, approx 20 miles above its confluence with Thompson River. Ref map 88, Sectional map 61	2192.03			Allotted by Commissioner Sproat, Aug 26, 1878 Original Survey 1879, Plan # 209.....2310. Resurvey 1926, Plan EC 358, West Boundary In Rwy Belt, Dominion OCPC 300, Feb 20, 29.... Instrument # 15795 to CPR, R/W, Nicola Branch, Plan RR 8308, Dominion patent reference 18714 To province, R/W, Spences Bridge - Nicola Hwy Rd. 2455, Dominion OCPC 2859, Nov 16, 31....9.43 Water Record: Final licence 7101, 507 acre feet Final licence 7618, 1279 acre feet & 7500 gals. Final licence 7969, 605 acre feet Withdrawn from the operation and transferred to Department of Indian Affairs
1	OCPC 300	16795	20/2/29		Typ 14, Rnge 23, W6M and Typ 15, Range 23, W6M, Special Survey 1926, by J. A. Calder, DLS record plan 36308	2310.00			Recommends land be withdrawn from the operation of the Dominion Lands Act and OCPC 1512 and be transferred to the Dept of Indian Affairs
2	Order in Council	X13784	8/3/06	Canada to Nicola Kamloops & Similkameen Coal & Railway Co	Railway R/W	71.79		8	Recommends that the Co. be allowed to acquire the Indian interest in these lands pursuant to Sec. 35, IA
3	OCPC 952	X13785	19/4/12	Canada to Can. Pacific Rwy	Railway R/W, R/W to Water	76.85 1.69			Authorizes the issuance of Letter patent to the Co. for the total area taken. Subject to certain conditions
4	OCPC 2859	H38296	16/11/31	Crown Canada to Province of B.C.	R/W as shown on Plan Rd 2455				Authorizes the transfer of R/W pursuant to Section 48, Indian Act

1A-464 (6-72) 7530-21-023-3715

TO <div style="text-align: center; font-size: 1.2em; font-family: cursive;">D. H. M. Merrill</div>	FROM
SUBJECT <i>Kooaitch I.R. #10</i>	DATE <i>79.3.29</i>
<input type="checkbox"/> For Your Information <input type="checkbox"/> Please Process	<input type="checkbox"/> Please O.K. and Return <input type="checkbox"/> Return With More Details
<input type="checkbox"/> Please Discuss With Me <input type="checkbox"/> Investigate and Report	<input type="checkbox"/> Per Your Request <input type="checkbox"/> Please Answer
<input type="checkbox"/> For Your Signature <input type="checkbox"/> For Your File	

your plan covering the above Indian Reserve
is returned.

R.C. Burnett
Reg. Drop Key.
per: *H. Schurden*

New file: PH 50345

DATE OF REPLY	SIGNATURE	
RETAIN THIS COPY UNTIL REPLY RECEIVED THEN DESTROY.		

MEMOGRAM


EVERGREEN PRESS LIMITED — CANADA HEAD OFFICE
 1575 - 15TH AVENUE, VANCOUVER, B.C. V6M 2A1
 122 JONT STREET, VICTORIA, B.C. V8W 1G1

REMOVE THIS SHEET AND FORWARD BALANCE OF SET (INTACT.)



FROM
DE

Joe Selman
B.C. Region - DIAN

File No. (originator) — Dossier n° (source)

TO
À

G. SCHNEIDER

File No. (addressee) — Dossier n° (destinataire)

Subject - Objet

Regional Property legislation
Further reference to our telephone conversation of 27/3/79.
I am enclosing photo-copies of
the plans, OCE and our Reserve
General Register for:
Highway - Plan No 2655.
NOOATICH Indian Reserve No 10.

I hope you can get some more
information from the Band.

REGIONAL PROPERTY SERVICES
MINISTRY OF HIGHWAYS
& PUBLIC WORKS

MAR 30 1979

KAMLOOPS, B.C.

Reply - Réponse

Signature

Joe Selman 27 March 79

Date

Nooatch I R. #10

Title	Plans	Resurvey
262853F ✓	M11764	} part of Nooatch I R #10
	M11766	
	400	
	400	

Plan 2455 C.L.S.R.

79-3-27

B. Selman

Indian Affairs

checking for info

will phone back

Sending OIC + plan if she
can find one.

Plan Showing Highway
through
Nootch Indian Reserve No 10
Lower Nicola Band

Nootch

Ref 2455

11th June 1931

23169-17

24th June 1931

to 331
on 661
2-5

Transferred to Province by
O.C. 16th Nov. 1931.

research

for 26th

262853F
Infeasible Title

Date of application for registration, the 22nd day of January, 1965
At 10:25

This is to certify that

CANADIAN PACIFIC RAILWAY COMPANY
Cordova Street, Vancouver, B.C.

is absolutely and indefeasibly entitled in fee-simple, subject to such charges, liens, and interests as are notified by endorsement hereon, and subject to the conditions, exceptions, and reservations set out hereon, to those

piece s of land situate in the Kamloops Assessment District

and Province of British Columbia, and more particularly known and described as:—

Firstly:

Those portions of the Nooaitch Indian Reserve No. 10, being composed of the Right-of-Way through the said Indian Reserve of the Nicola, Kamloops and Similkameen Coal and Railway Company and also a Right-of-Way for a Pipe Line of the said Railway in the said Reserve as both Rights-of-Way are shown on Plan Four hundred (400)

Secondly:

That part of the North West Quarter (N.W. 1/4) of
Section Twenty-two (22)
Township Fourteen (14)
Range Twenty-three (23)
West of the 6th Meridian
as shown on Plan Four hundred (400)

Thirdly:

That part of the South West Quarter (S.W. 1/4) of
Section Twenty-two (22)
Township Fourteen (14)
Range Twenty-three (23)
West of the 6th Meridian
as shown on Plan Four hundred (400)

Fourthly:

That part of the North West Quarter (N.W. 1/4) of
Section Fifteen (15)
Township Fourteen (14)
Range Twenty-three (23)
West of the 6th Meridian
as shown on Plan Four hundred (400)

Parts transferred

Nil

Registered Charges

Nil

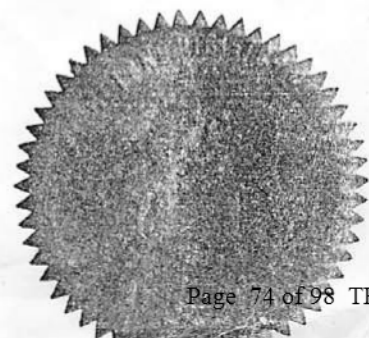
In witness whereof I have hereunto set my hand and seal of office

at KAMLOOPS, British Columbia,

this 12th day of February

1965

[Signature]



Newsfile made up

*
HWY R2 KAM

HWY HQ VIC

REGIONAL HWY ENG
KAMLOOPS

ATTN REGIONAL PROPERTY NEGOTIATOR

RE HWY 8 AND NOOAITCH INDIAN RESERVE NO. 10

FURTHER TO OUR TELEPHONE CONVERSATION 15TH, PLEASE OBTAIN
ALL DATA AVAILABLE ON THIS MATTER AND RESERVE, AND FORWARD
AS SOON AS POSSIBLE. WAS THE WORK CONTAINED WITHIN OUR
EXISTING R/W OR HAD WE ENTERED ONTO INDIAN RESERVE.

V A DREW
DIRECTOR OF PROPERTY SERVICES

PER D I F MACSWEEN
SR PROPERTY NEGOTIATOR

VICTORIA
MAR 19/79
11:02 AM
*

HWY R2 KAM

*G. Schuster
please acquire all
relevant background info
& forward to DIFM
ASAP.
B 79.03.20*

*
HWY R2 KAM

HWY DIS MRT

REG HWY ENG
KAMLOOPS

ATTN REGIONAL PROPERTY NEGOTIATOR

RE NOOAITCH INDIAN RESERVE NO 10

THE PLANS OF THE HIGHWAY 8 RIGHT OF WAY THROUGH
THE NOOAITCH INDIAN RESERVE WHICH WERE REFERED TO
YOU FOR CLARIFICATION OF THEIR STATUS WERE OBTAINED
FROM THE SURVEYOR GENERAL, CANADA LAND SURVEY RECORDS, OTTAWA.

D L BYERS P ENG
DIST HWYS MGR
MERRITT
MARCH 15/79
4:08 PM

HWY R2 KAM



Province of
British Columbia

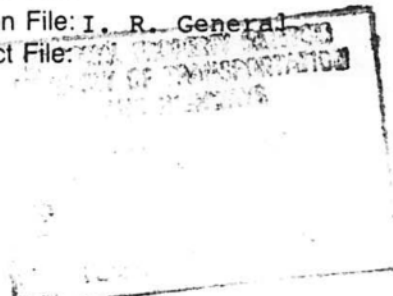
Ministry of
Transportation
and Highways

MEMORANDUM

→ To Regional Director
Ministry of Transportation
and Highways

BURNABY KAMLOOPS NELSON
PRINCE GEORGE NANAIMO

Date: November 24, 1987
Branch/Dist: Property Services
Address:

Phone: 387-1838
Hdqtrs. File:
Region File: I. R. General
District File: 

Attention: Regional Property Agent

Re: Negotiations - Indian Reserve Lands

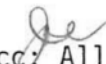
Please ensure your local offices of the Department of Indian Affairs are kept informed of the progress of negotiations with Indian Bands. In spite of the fact that the Band's may hold a delegated authority to deal on right-of-way matters, we still look to Canada for the official transfer.

A. C. Brown
Director of Property Services



Per: D. I. F. MacSween
Manager of Operations

DIFM/im


cc: All Property Agents
(Dec. 1/87)

Cc to each agent

- original to me.

- full appraisals on all
indian lands where value
is significant.

CW

18/11/87



Province of
British Columbia

Ministry of
Transportation
and Highways

MEMORANDUM

To Regional Director
Ministry of Transportation
and Highways

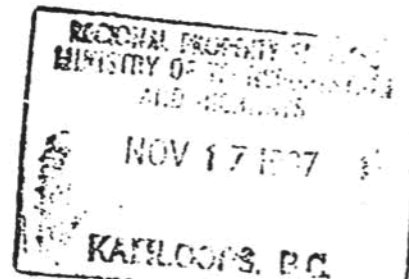
KAMLOOPS NELSON BURNABY
~~PRINCE GEORGE~~
PRINCE GEORGE NANAIMO

Date: November 10, 1987
Branch Dist: Property Services
Address:

Phone: 387-1838
Hdqtrs. File:
Region File: I.R. General
District File:

Attention: Regional Property Agent

Re: Independent Fee Appraisals
Indian Reserve Lands



Indian Affairs, mindful of their fiduciary trust responsibilities in land transactions, have taken to requesting an independent fee appraisal at our cost to support the value agreed with the Band.

There are situations however, where the cost to provide the fee appraisal exceed the total value of the land taken. In such instances, on a case by case basis, they are prepared to accept a in-house, full appraisal report prepared by accredited staff. The attached letter refers.

For your future direction please.

A. C. Brown
Director of Property Services

Per: D. I. F. MacSween
Manager of Operations

DIFM/im
Enc.



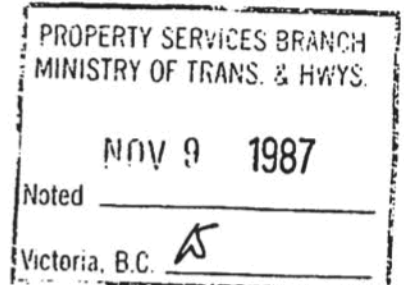
November 5, 1987

Your file Votre référence

Our file Notre référence

E5670-1
E5670-07961 (RT 7)

Mr. D.I.F. MacSween
Manager of Operations
Property Services
Ministry of Transportation & Highways
940 Blanshard Street
Victoria, British Columbia
V8W 3E6



Dear Mr. MacSween:

Re: Independent Appraisals for
Highway Right-of-Way Transactions
on Indian Reserves

Thank you for your letter dated October 14, 1987.

I appreciate your concern respecting the costs of obtaining outside appraisals in situations where the value of the land is less than the cost of the appraisal. As we discussed, it would be preferable to have independent appraisals in all cases. However, on a case by case basis, this office would be prepared to consider receiving the full appraisal report of one of your accredited/certified staff appraisers where the value of the land to be taken can't possibly justify the cost of an independent appraisal. (We may then wish to conduct an in-house review of your staff appraisal).

In the ^{s.22} case raised in your letter, it is agreed that it would be somewhat unreasonable to require an independent appraisal and your approach is therefore

accepted. I do not anticipate that this type of situation will arise very often, but our requirements should be reasonable in all cases.

Very truly yours,



A.J. Broughton
Manager, Indian Lands
Lands, Revenues & Trusts
British Columbia Region
P.O. Box 1000
800 Burrard Street
Vancouver, British Columbia
V6Z 2J3

c.c.: District Superintendents,
Lands, Revenues & Trusts



Province of
British Columbia

Ministry of
Transportation
and Highways

PS 50345
MEMORANDUM

To: District Highways Manager
Bag 4500
MERRITT, B. C.
VOK 2B0

Date: November 13, 1986
Branch/Dist: Property Services
Address: 3C-940 Blanshard Street
Victoria, B.C. V8W 3E6
Phone: 387-1838
Hdqtrs. File:
Region File: PN 30345
District File: 25-21-2d (2023)

Re: Merritt-Spences Bridge Highway 8
through Nooaitch I.R. 10
Pole line application

With reference to your memo of 6 August 1986, right-of-way for the highway noted above was transferred to B.C. from Canada by P.C. Order 1931-2859 dated 16 November 1931 as shown on CLSR 2455. The plan, which is equivalent to our Road Survey 1885-2, gives the right-of-way a width of 66 ft.

Assuming the contemplated pole line is within our 66 ft. highway, it will not be necessary to refer the applicant to the Indians. However, we understand that works carried out by your forces in 1984 on Highway 8 through the reserve included some widening. Any widening beyond our 66 ft. highway remains part of the reserve as we have yet to reach settlement concerning the 1984 work.

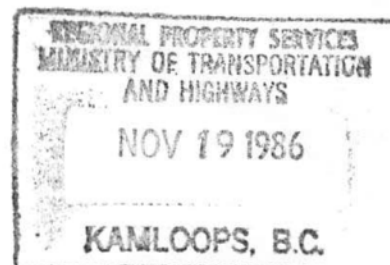
A. C. Brown
Director of Property Services

R. Hadley
Per: J. P. McDonell
Headquarters Negotiator and Research Officer

RH/dr

THIS COPY FOR

→ C.C. Regional Property Negotiator, Kamloops



M

P.C. 2859



AT THE GOVERNMENT HOUSE AT OTTAWA
MONDAY, the 16th day of November, 1931.

PRESENT:

HIS EXCELLENCY


THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Government of the Province of British Columbia has applied to the Department of Indian Affairs for parcels of land required as right of way for road through the Noosatch Indian Reserve, Number Ten, in the Nicola Indian Agency, which may be described as follows:-

All those parcels of land in the Noosatch Indian Reserve, Number Ten, containing together thirty-nine acres and forty-three hundredths of an acre, more or less, being composed of a right of way for a provincial road through the said reserve, as said right of way is shown on a plan of survey recorded in the Surveys Branch of the Department of Indian Affairs under number Rd. 2455,

AND WHEREAS the Superintendent General of Indian Affairs reports that the compensation has been valued by an officer of the department of Indian Affairs at \$1,000.00 and that this amount has been received from the Provincial Government in payment;

THEREFORE His Excellency the Governor General in Council, on the recommendation of the Superintendent General of Indian Affairs is pleased to order that the said land be and it is hereby transferred to the said Government of the Province of British Columbia, pursuant to the provisions of Section 48 of the Indian Act.


Clerk of the Privy Council.

NOV 13/86

APRIL 11/84

17/12/87. - LAST ENTRY ON DISTRICT FILE IS
G. A. WARD'S APRIL 11th 1984 LETTER
NO COPY OF OCT. 2nd LETTER?

- I RECALL VIEWING R/W WITH BRIAN,
BRIAN ADVISES THAT D.L. BYERS FELT THAT
ORIGINAL APRIL 2nd 1984 REPORT WAS SUFFICIENT
AND DID NOT FORWARD A SECOND ONE

17/12/87

RICH HADLEY - ONLY RECENT ENTRIES IN THEIR
FILE IS SEPT 12th/85 LETTER RE plane +
SEPT 12/85 LETTER TO INDIAN AFFAIRS
ALSO NOV 13/86 FROM DISTRICT

District Highways Manager
Merritt

October 2, 1985

Kamloops

828-4267

PN 50345
Merritt

Re: Nooaitch I.R. #10

Please provide detailed report regarding background and agreement made between District and the above noted Indian Band - specifically why construction took place prior to acquisition.

Mention could also be made to the amount of rip rap material stock-piled for the Band and improvements made to prohibit further erosion to river bank.

Based on this report, Victoria will advise as to our course of action.

G. A. Ward
Regional Property Negotiator

by
K. J. Ellicott
Property Negotiator

KJE/ab

George:

BRIAN NIEHAUSE HAS been waiting for the above request before supplying report - he has been in touch with Davey.

OK to send
Gw

JOE

Re: KOOIATICH?

Don MacSwen wants a report on the above - noted - specifically why const'n took place before acquisition - Don will then take to the executive. Please do the following

① obtain further report from DHT on background + agreement made between them + Band.

② send report + copy of our file to HQ with estimate to acquire.

Don will then review at HQ and advise.

DHM

Swad.

17/9/85
SEP 17

memo dated April 2nd 84 states that the Band approached District Hyds. initially to do some rock work on the R/W within the I.R. Acquisition plan shows that this rock work was outside the existing R/W but a B.C.R. was acquired and the construction provided a mutual advantage i.e. the Band received Rip Rap material and also quite a bit of Rip Rap ~~work~~ was applied to RIVER BANK (Brim estimates at least 10,000" work done in one area) -
~~Area for District~~

Regional Property Negotiations
523 Columbia Street
Kamloops, B. C. V2C 2T9

Telephone 828-4267

PN 50345

September 12, 1985

Indian and Northern Affairs Canada
P.O. Box 1000
800 Burrard Street
Vancouver, B. C.
V6Z 2J3

Dear Sirs:

Re: Right of Way through Nooaitch Indian Reserve #10

Please find enclosed copies of plans 8-28-1 and 8-26-3 showing in red outline new right of way which this Ministry wishes to acquire from the Nooaitch Indian Band for road construction purposes. It is the Ministry's intention to open negotiations with the Band in the near future.

Yours truly,

G. A. Ward, B.Comm, RI(BC)
Regional Property Negotiator

by

E. J. Ellicott
Property Negotiator

KJE/ab
enc.

cc: Director of Property Services
Victoria

Assistant Deputy Minister
Administration and Services Dept.

Director of Property Services
Victoria

Attention: D.I.F. MacSween
Manager of Operations

Re: Merritt District Plans 8-26-3 and 8-28-1

Enclosed please find prints of above numbered plans for right of way acquisitions within the Nooaitch Indian Reserve #10. Merritt District has requested settlement as most of the work has been completed.

G. A. Ward
Regional Property Negotiator

KJE/ab
enc.

Sept. 12, 1985

Kamloops

828-4262

PN 50345





MEMORANDUM

To: Assistant Deputy Minister
Administration & Services Department

Director of Property Services

Attention: Dawn Strugnell

RE: Merritt-Spences Bridge Road

Date: May 16, 1985
Branch/Dist: Regional Property Services
Address: 523 Columbia Street
Kamloops, B.C. V2C 2T9

Phone: 828-4263
Hdqtrs. File:
Region File: PN 50345
District File: Merritt

Plan 8-26-3 (1 of 2)

Y-233

Attached is a print of above-noted plan as well as title searches for
your records.

The area is within Nooaitich Reserve #10.

G.A.Ward
Regional Property Negotiator

by

(Mrs.) N. Thompson
Clerk-Steno

nt
Attach



MEMORANDUM

To: Assistant Deputy Minister
Administration & Services Department

Director of Property Services

Attention: Dawn Strugnell

Date: May 16, 1985
Branch/Dist: Regional Property Services
Address: 523 Columbia Street
Kamloops, B.C. V2C 2T9

Phone: 828-4263
Hdqtrs. File:
Region File: PN 50345
District File: Merritt

RE: Merritt-Spences Bridge Road 8

Plan 8-28-1

Y-234

Attached is a print of above-noted plan as well as title searches for
your records.

The area is within Nooaitich IR#10.

G.A.Ward
Regional Property Negotiator

by

(Mrs.) N. Thompson
Clerk-Steno

nt
Attach



Province of
British Columbia

Ministry of
Transportation
and Highways

MEMORANDUM

To: G.A. Ward
Regional Property Negotiator
Kamloops

Date: April 18, 1985
Branch/Dist: Merritt R2
Address: Box 218
Merritt, B.C.
VOK 2B0
Phone: 378-4244
Hdqtrs. File:
Region File:
District File: 25-20-8 (ACQ)

RE: Merritt-Spences Bridge Road No. 8

1-233

Please find enclosed the original mylar for Merritt-Spences Bridge Road No. 8, District Plan No. 8-26-3.

Yours Truly,

D.L. Byers, P. Eng.
District Highways Manager

PS/mm

MEMORANDUM

To: G.A. Ward
Regional Property Negotiator
Kamloops

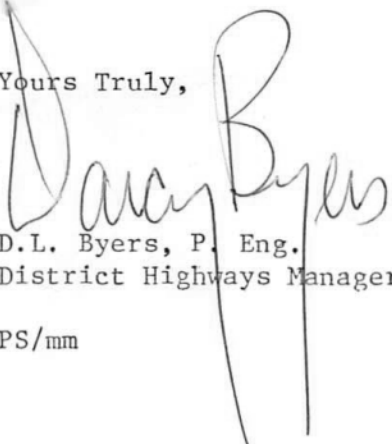
Date: April 18, 1985
Branch/Dist: Merritt R2
Address: Box 218
Merritt, B.C.
VOK 2B0
Phone: 378-4244
Hdqtrs. File:
Region File:
District File: 25-20-8 (ACQ)

RE: Merritt-Spences Bridge Road No. 8

Y-234

Please find enclosed the original mylar for Merritt-Spences Bridge Road No. 8, District Plan No. 8-28-1.

Yours Truly,


D.L. Byers, P. Eng.
District Highways Manager

PS/mm





To: Regional Property Negotiator
Ministry of Trans. & HIGHWAYS
523 Columbia Street
Kamloops, B.C. V2C 2T9

Date: April 22/85
Electoral
District: Yale-Lillooet
Headquarters File:

Regional File:
District File: 25-20-8 (ACQ)

RE: REQUEST FOR ACQUISITION OF PROPERTY

1. Road name and number: Merritt-Spences Bridge Road No. 8
Project name and number: _____
Day labour _____ Minor betterment _____
Status of road:
Controlled access highway _____ Arterial highway _____ Other Main
2. Reason for acquisition: Obtain additional R/W for extra shoulder width and
improve sight distances.
3. Location of project (attach key map):
Unorganized territory ☒ Municipality of _____
Approx distance of location of works to nearest town/city ± 26 km W
name of town/city Merritt
4. Priority:
Acquisition to be completed by _____, 1985
Construction scheduled to begin _____, 19____
Construction completed _____
5. Access information:
Type of access (farm, residential, commercial) N/A
Present access locations: Acceptable ☒ Not acceptable _____
For access changes see attached prints
6. Enclosed:
Plans, numbered 8-21-3; 8-28-1
Profiles/grade change information _____
Board Order for pipeline/railway crossing _____
Land Commission: approval of project _____
:Certified not required No
7. Remarks: This additional R/W lies within I.R. No. 10 (Nooaitch Reserve)

Request initiated by: _____

Position _____

Highways District _____



H118

To: D. I. F. Macsween
Senior Property Negotiator

Merritt (R2)

Date: April 2, 1984

Headquarters File:

Regional File:

District File: 25-20-4C

Re: Nooaitch Indian Band

25-20-8

Regarding your enquiry about the District planning some work at s.22 we are presently completing some work on Highway #8 in an area that is referred to as s.22 by the Nooaitch Band. This office was approached several weeks ago by the Nooaitch Indian Band Manager to discuss the possibility of us doing some rock work on Highway #8 in the Reserve. They were aware of our interest in doing some rock work in this area and they wanted to obtain rip rap material so that they could make repairs to areas in the reserve that had suffered erosion damage during the January floods. They were also interested in obtaining a stockpile of rip rap that they could use in the future or sell to other bands. As we had no use for the rock, we were quite interested in their proposal since it would mean considerable savings in trucking costs. In the past when we had contemplated working in this area it was our intention to haul and waste the rock.

So we were faced with a rather unusual opportunity what with funds being made available and the band actually interested in seeing us do this work. So after working out some other details with the Band Manager we received a B.C.R. and commenced work. To date the Band Manager seems happy with whats been done and we are in the process of completing this project.

The bulk of the rock work is within what we consider to be our right-of-way through the reserve. We are not changing the horizontal alignment of the road although the vertical alignment will be improved at one point. Basically we are improving the sight distance and obtaining a wider shoulder and a ditch line.

We have attached a copy of the B.C.R. for your information.

Please advise if you have any further questions regarding this matter.

D. L. Byers, P. Eng. /
District Highways Manager

DLB/aj

**BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE**

Chronological No. - Numéro consécutif

H.Q. Reference - N° de réf. du b. pr.

NOTE: The words "From our Band Funds" must appear in all resolutions requesting expenditures from Band Funds.
NOTA: Les mots "des fonds de notre bande" doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	NOOAITCH INDIAN BAND	Capital balance Solde de capital	\$
AGENCY AGENCE	CENTRAL VANCOUVER	Committed - Engagé	\$
PROVINCE	BRITISH COLUMBIA	Revenue balance Solde de revenu	\$
PLACE NOM DE L'ENDROIT	MERRITT	Committed - Engagé	\$
DATE	DAY - JOUR MONTH - MOIS AD 19 YEAR - ANNÉE		

DO HEREBY RESOLVE;
DÉCIDE, PAR LES PRÉSENTES:

THAT the Department of Highways be allowed to blast the rock along highways in the vicinity of S.22 providing the following conditions are adhered to:

THAT the material be blasted into shot-rock that will be suitable for river rip-rapping with an approximate size of 18" to 36";

AND THAT the shot-rock be stockpiled in a reserve site which is designated by the Band;

AND THAT the stockpile site be cleared out previous to stockpiling of the shot-rock at no cost to the Band;

AND THAT the rock be sole property of the Band;




THAT Band equipment be used where possible;

THAT Band members be hired where possible;

THAT Contractors be required to hire Band members where possible;

AND THAT the Department of Highways Surveyors be allowed on Band land along Highway # 8 for survey purposes only until June 30, 1984.

AND THAT the Band's immediate rip-rap needs be taken care of, namely the S.22 and S.22 properties.

 (Councillor - conseiller)	 (Chief - Chef)	 (Councillor - conseiller)
..... (Councillor - conseiller)	..... (Councillor - conseiller)	..... (Councillor - conseiller)
..... (Councillor - conseiller)	..... (Councillor - conseiller)	..... (Councillor - conseiller)
..... (Councillor - conseiller)	..... (Councillor - conseiller)	..... (Councillor - conseiller)

FOR HEADQUARTERS USE ONLY - RÉSERVÉ AU BUREAU PRINCIPAL				
1. TRUST ACCT COMPTE DE FIDUCIAR	2. CURRENT BALANCES - SOLDES COURANTS		3. Expenditure Dépenses	4. Authority - Autorité Indian Act Sec Art. de la Loi sur les Indiens
	A. Capital	B. Revenue - Revenu		
	\$	\$	\$	5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenu
6. Recommended - Recommandé				
Date			Date	
Authorized Officer - Fonctionnaire autorisé			Assistant Deputy Minister - Sous-ministre adjoint	

O+
HWY DIS MRT

CNCP MULTI ADR
GT1467 MAR 23 1410 EST

HWY HJ VIC
008 009
TX 043-8119 HWY DIS MRT

DISTRICT HWY MGR
MERRITT

ATTN D'ARCHY BYERS

RE NOGATICH INDIAN BAND

I UNDERSTAND THAT YOU PLAN SOME WORK IN THE NEAR FUTURE AT
s.22 [REDACTED], WHEREVER THAT IS, AND THAT AN INDIAN
RESERVE MAY BE INVOLVED.

PLEASE FORWARD EXPLANATORY DETAILS AT YOUR EARLIEST CONVENIENCE.

A C BROWN
DIR OF PROPERTY SERVICES

PER D I F MACSWEEN
SR PROPERTY NEGOTIATOR

CC REGIONAL PROPERTY NEGOTIATOR
KAMLOOPS - BY LETTER

VICTORIA
MAR 23/84

JB