

File No. 42136:

W A T E R   A C T .

IN THE MATTER OF the appeal of The Okanagan Centre Irrigation and Power Company, Limited, from an order of the Board of Investigation dated the 6th day of May, 1925, made on the complaint of W. J. Coe and certain other owners of land supplied with water through the irrigation system operated by the said The Okanagan Centre Irrigation and Power Company, Limited.

BEFORE THE MINISTER OF LANDS:

Upon hearing Mr. A. O. Cochrane of counsel for the appellant The Okanagan Centre Irrigation and Power Company, Limited, and Mr. T. G. Norris, of counsel for the respondents the said W. J. Coe and certain other owners of land supplied with water through the irrigation system operated by the appellant and upon hearing the evidence adduced.

IT IS HEREBY ORDERED:

That the order made by the Board of Investigation on the sixth day of May, 1925, upon the above-mentioned complaint and application be and the same is hereby varied by striking out clauses 1, 2 and 3 thereof and substituting therefor the following:

"1. That in lieu of the tolls payable to The Okanagan Centre Irrigation and Power Company, Limited, under the water agreements entered into by it and the tolls demanded by the said Company the following tolls shall be payable for the year 1925:

(a) A toll of seven dollars and twenty cents per acre payable in respect of all land for which water was delivered by the Company at the request of the water-user during the irrigation season of 1925.

(b) A toll at the rate of three dollars per acre foot for all water delivered by the Company at the request of the water-user during the irrigation season of 1925 in excess of one acre foot per acre of the land irrigated.

"2. The said tolls shall be due and payable without deduction on the 15th day of May, 1926, but every water-user who has heretofore paid to the Company any monies in respect

of irrigation tolls for the year 1925 shall be credited with interest on the monies so paid by him at the rate of one per cent per month from the date of such payment to the said 15th day of May, 1926.

"3. That the said The Okanagan Centre Irrigation and Power Company, Limited, do forthwith expend in renewing those parts of the irrigation system operated by the Company from which there is unnecessary loss of water through leakage a sum of money representing the total of the tolls chargeable under this order less the total of the sums expended during the year 1925 (including indebtedness incurred but remaining unpaid) on the maintenance, repair and operation of the said irrigation system and less a further sum of one thousand and eighty dollars which may be used by the Company in paying interest on the monies borrowed by the Company to build the storage dam at Beaver Lake.

"4. The said Company shall forthwith prepare and shall produce to the Board of Investigation on demand statements showing in detail the tolls chargeable under this order, the monies received by the Company in respect of 1925 tolls and the monies actually expended during the year 1925 on the maintenance, repair and operation of above-named irrigation system."

Dated at Victoria, B. C., this 3rd day of May, 1926.

Minister of Lands.