

2013.579.02.73

DEPARTMENT FILE NO.....

LOCAL FILE NO. V520A.....



OFFICE OF DISTRICT ENGINEER

Kelowna..... B.C.

February 9th, 1943.....

DEPARTMENT OF LANDS
WATER RIGHTS BRANCH

Re.....

(Do not write on more than one subject on one page.)

James Goldie, Esq.,
The Rainbow Ranche Limited,
Okanagan Centre, B. C.

Dear Sir:

This will acknowledge receipt
of your letter of the 8th instant, with
written statements, which are reasonably
correct.

I have taken the liberty of
also sending you written statements, so
as to more clarify the set-up.

Yours very truly,

A handwritten signature in dark ink, appearing to read "D. K. Penfold".

District Engineer.

DKP:S
Enc.

V520A

Kelowna, B. C.
February 9th, 1943

The District has jurisdiction over only the lands mentioned in the District's Letters Patent.

No transfer of Water Rights may be made without the consent of the Trustees, who instruct the Assessor accordingly, and as the Court of Revision generally includes the Trustees, the policy will remain the same. This only applies to land within the District boundaries.

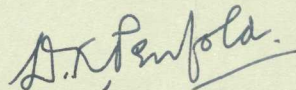
The Trustees cannot be compelled to make a transfer of Water Rights.

Before the Final Licences were issued, the total acreage under irrigation was determined by survey, and this total was not exceeded when the Final Licences included Lot 7, Map 444, so that the issuance of the licence to Lot 7 did not increase the amount of water to be used. The District cannot be compelled to supply water to Lot 8. The District can apply for an amendment to its Letters Patent by requesting the inclusion of Lot 7.

As more land is irrigated than can adequately be served with the available water, it would not be politic to serve any B land. If any B land is found to be better than any A land, a transfer would appear reasonable, but should require the approval of the Trustees.

Section ⁶⁸ ~~15~~ relieves the Trustees of any obligation of serving even A land if it is not economic to do so.

A user may run water from A to B land only on the approval of the Trustees, who could then assess the B land.



District Engineer.