

Feb. 8th. 1943.

Mr. Penfold  
Waters Right Branch  
Kelowna, B. C.

Dear Sir :-

In order to make a report to the Board of Trustees I have written out a few statements of the facts as I understand them. As yet I have not submitted them to Jack Seaton.

We have a meeting next Wednesday night and I would be very much obliged if you would look over my remarks and drop me a letter to let me know wheter they are reasonably correct or not. Kindly add any other items which you think might clarify our duties and responsibilitýes or authority.

Yours sincerely,

James Goldie.

Feb. 4th 1943.

N After an interview with Mr. Penfold we came to the following conclusions.

That the District has jurisdiction over only the lands mentioned in the Districts " letters Patent" ( These lands and bounderies are clearly defined by a Map of the District. This map is being secured .)

After the Final Licence has been issued no transfer of Water Rights can be made either within or out of the District until the Court of Revision has given approval.

The District cannot be compelled to make a transfer of Water Rights under any circumstances, ~~excepting that where an injustice occurs, an appeal may be made to the Court Of Appeal.~~

In the case of Lot 7 map 444. This lot was not within the boundaries of the District when a Final Licence was granted to it. The Final Licence was issued previous to the time the District secured its Final Licence. The issuing of this Licence did not increase the amount of water which was proposed to be used by the District. The District cannot be compelled to supply water to Lot 8. The District can now secure an amendment to the Letters Patent which will include Lot 7 in the District so that it will come within the jurisdiction of the District.

It is up to the District to see that water is not supplied to lands which the District class as B land.

Even where a lot is shown on the Final Licence and classed as " A " the District can refuse to deliver water if it can be shown that it is not economic to do so.

Where a user has a lot part "A" and part "B", and is in the opinion of the District, making use of the "B" section, the District can levy taxes against the "B" portion. A user can run water from "A" to "B" land only by the sanction of the District.

