

Hugh & Doris E. Phillips,
1053 London Rd.,
Sarnia, Ontario

Our file: 0131348

9th March, 1979.

Enclosed please find certified copies of ~~XXXXXX~~ Conditional
Water Licence No. 51475.

A copy of Permit over Crown Land No. is also enclosed.

Any error in the licence or permit should be brought to my
attention immediately.

The annual rental for the licence is \$ 5.00 and for the
Permit over Crown Land is \$. These rentals are paid up to the
31st December, 1979 , and subsequent rentals are due and payable
in January of each year, at which time you will receive a statement.

Water licences do not authorize entry on privately owned land
for the construction of works. Consent of the owner must be
secured or a right-of-way expropriated. Consent should be in proper
form and registered in the Land Registry Office.

Permission for crossing roads or lands under the jurisdiction of
any Government Department must be obtained from the Department
concerned.

In order to keep a water licence in good standing the following
must be observed:

- (a) Continued beneficial use of the water, as authorized.
- (b) Payment of annual rentals.
- (c) Compliance with the terms of the licence.
- (d) Compliance with terms of the Water Act.

IMPORTANT: In order to protect your interests kindly notify the
Comptroller of Water Rights if:

- any change is made in your mailing address.
- you sell the land to which the licence is appurtenant.
- you propose to subdivide the land to which the licence is appurtenant
- you propose to alter the works authorized under the licence.

Comptroller of Water Rights.

Encl.



THE PROVINCE OF BRITISH COLUMBIA—WATER ACT
CONDITIONAL WATER LICENCE

Hugh and Doris E. Phillips of 1053 London Road, Sarnia, Ontario

is/are hereby authorized to divert and use water as follows:—

- (a) The source(s) of the water-supply is/are Gerald Creek.
- (b) The point(s) of diversion is/are located as shown on the attached plan.
- (c) The date from which this licence shall have precedence is 5th July, 1938.
- (d) The purpose for which the water is to be used is domestic.
- (e) The maximum quantity of water which may be diverted is 500 gallons a day,
and such additional quantity
as the Engineer may from time to time determine should be allowed for losses.
- (f) The period of the year during which the water may be used is the whole year.
- (g) The land upon which the water is to be used and to which this licence is appurtenant is
Lot B of Section 52, South Saltspring Island, Cowichan District,
Plan 30877.
- (h) The works authorized to be constructed are diversion structure and pipe,
which shall be located approximately as shown on the attached plan.
- (i) The construction of the said works has been completed and the water shall be
beneficially used on or before the 31st day of December, 1979.
- (j) This licence authorizes the use of water for domestic purpose in one
dwelling located approximately as shown on the attached plan.
- (k) This licence is issued in substitution of Final Water Licence 14838 under

1/4 SECTION 52

4° 51' 00" W.
388.38'

1/4 S.E. SECTION 52

PLAN 13910

PLAN A.

30877

B.

AREA REQUIRED: 0.248 AC.

Gerold Creek

WABELLA

POINT

ROAD

ROAD

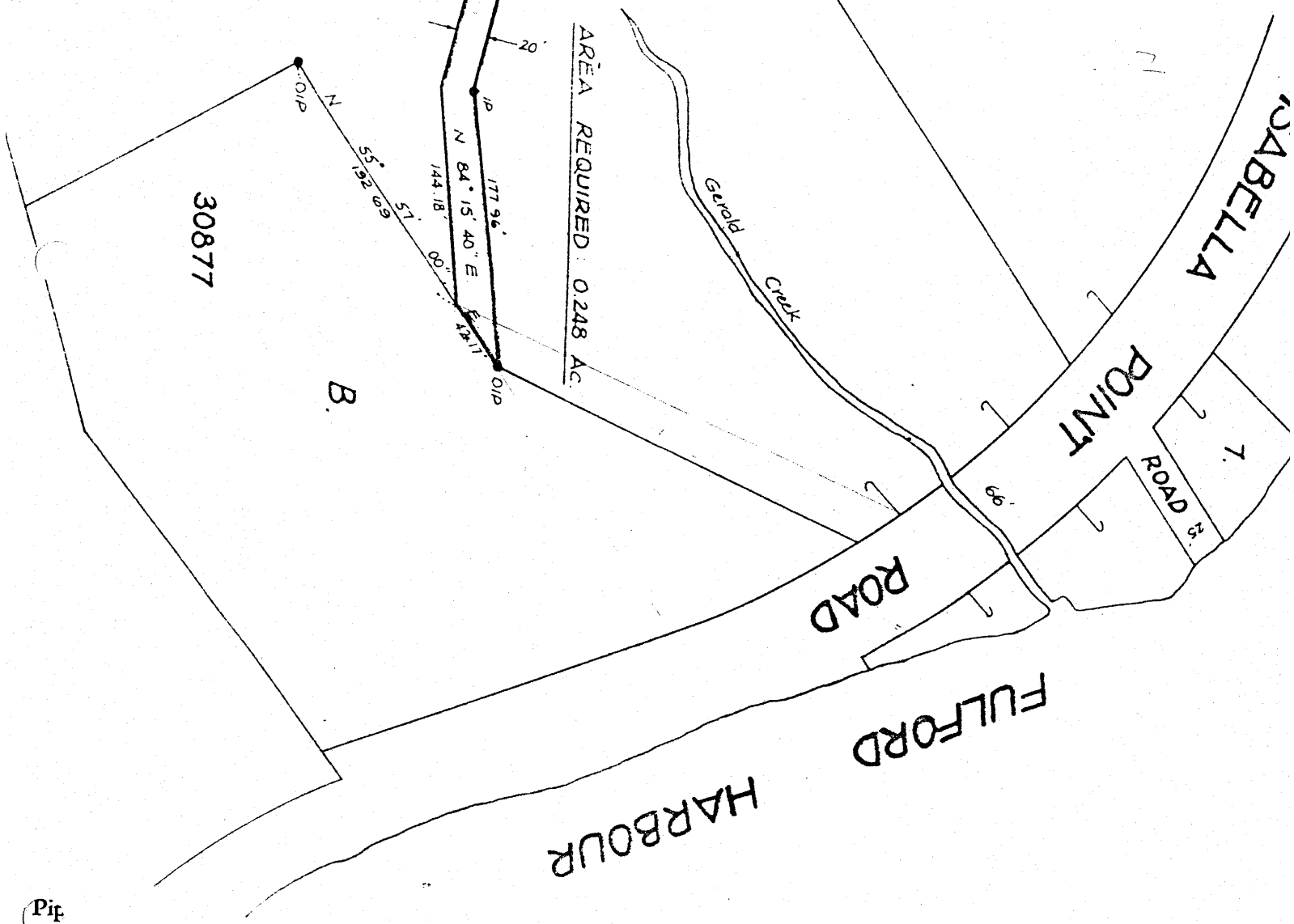
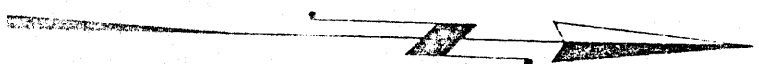
FULFORD

HARBOUR

PLA
LOT
SPR
PLA

Bear
1/2" S
1/2" S

Pif



General Information on Water Law in British Columbia

The Crown owns all water and permits the use of it only by licence under the *Water Act*. A WATER LICENCE is a legal document issued by the COMPTROLLER OF WATER RIGHTS, which specifies the conditions governing the right to the use of water. These conditions, or TERMS of the licence, include a statement of

- (a) the source of water supply;
- (b) the point of diversion from the stream;
- (c) the priority date of the licence;
- (d) the purpose for which the water is to be used;
- (e) the maximum quantity of water which may be diverted;
- (f) the period of the year during which the water may be used;
- (g) the land to which the licence is appurtenant; and
- (h) the works authorized to be constructed to collect and convey the water from the stream to the place of use.

Without a water licence it is illegal for any person to divert (or take) surface water from any stream except for fire-fighting, and, provided the water is unrecorded, for domestic use or for prospecting. UNRECORDED WATER is the supply available in a stream in excess of the total quantity for which licences have been issued.

Under the *Water Act* a STREAM means any natural watercourse or source of water supply, whether usually containing water or not, and includes groundwater, and any lake, river, spring, swamp, creek, ravine, or gulch. SURFACE WATER is water above the surface of the ground and, conversely, GROUNDWATER is water below the ground. The *Water Act* does not at present apply to groundwater. Therefore, a licence is not required for a WELL.

A water right belongs, or is APPURTENANT, to the land on which the licence authorizes the water to be used. As long as water is BENEFICIALLY USED, according to the terms of the licence and subject to the provisions of the *Water Act*, the licence stays in force, regardless of who owns the land. The person who is legally entitled to possession of the appurtenant land (usually the assessed owner) automatically becomes the licence holder or LICENSEE.

Every water licence carries a PRIORITY DATE, set by the Comptroller when he issues the licence. The priority date is usually the date when the licensee filed his application for a licence. When more than one licence has been issued on the same stream, the person holding the earliest priority licence has first call on the available supply, or FIRST RIGHT to the use of the water. The person who holds the licence with the next later priority date has second right, and so on. If a stream does not carry enough water at times to satisfy all of the licensed diversions from it, then the person holding the latest priority licence is the first who must stop using water, because his junior right licence is subject to the prior rights of the other licensees.

The rights exercisable under any two licences of equal priority date have precedence according to the purpose for which the water may be used, in this order: Domestic, waterworks, mineral-trading, irrigation, mining, industrial, power, hydraulicking, storage, conservation, fluming, conveying, and land improvement.

A water licence does not authorize the licensee to enter upon privately owned land. Before constructing the works authorized under his licence, the licensee should first get permission of every property owner whose land the licensed works will cross, preferably by negotiating a formal easement across each parcel of private land and having this registered in the Land Registry Office. Verbal agreements are not binding and for that reason are not always satisfactory. If an agreement for entry on private land cannot be negotiated, the licensee can EXPROPRIATE an easement over any land reasonably required for the construction and maintenance of the works authorized under his licence. If the works cross Crown land, a permit to authorize this can be obtained upon application. If this Crown land is subsequently sold, the Crown grant will contain a reservation which will in effect give the licensee an easement over the land.

The foregoing is a summary of how the use of water is governed in British Columbia. If you require more specific information, or if you wish to apply for a water licence, contact your local Regional Water Rights Engineer. Regional Offices are located in Victoria, Nelson, New Westminster, Kelowna, Kamloops, and Prince George.

DEPARTMENT OF ENVIRONMENT
Water Resources Service, Water Rights Branch
Parliament Buildings
Victoria, B.C. V8V 1X5