



May 6, 2010

Our File: 2-8-18038

Lower Nipit Improvement District  
RR #1, Site 26A, Comp. 1  
Kaleden, British Columbia  
VOH 1K0

**Re: Water Concerns**

Thank you for all the information you have provided about the water situation and water history in this area. It is all useful information. I think it would be helpful to clarify or ensure everyone knows how the various agencies are involved in water matters in your area.

I do not know exactly what your mandates are as you do not operate a community water system like most improvement district do however it is clear to me that you are looking out for the water interests in your area for all the people in your area.

I have no involvement in water allocating or licensing and currently ground water use is not regulated in British Columbia. I understand ground water regulations are being explored as part of the Water Act modernization process currently underway. The Ministry of Environment, Water Stewardship Division looks after water licensing and allocating.

In regards to the provision of water for new lots, the Regional District of Okanagan Similkameen has subdivision servicing bylaws to address that and they require certain amounts of water be proven for new lots. The Regional District also administers land use planning. Any proposed changes to land use or Agricultural Land Reserve status is administered through the regional district.

I am involved only in regards to proposed subdivisions of land. I consider many different aspects of a proposed subdivision in rural areas. I ensure compliance with regional district bylaws however I have no involvement in the decisions about land use or other bylaws. I do not directly require proof of water but rely on local government bylaws which I ensure compliance with. I have no expertise in groundwater hydrology however, as with many aspects of my requirements to review a subdivision proposal, I rely on the reports and opinions of subject matter experts.

I am aware of the water quantity concerns in this area and for the proposed subdivision adjacent to the golf course, I required the developer to provide assurances from a qualified professional that the proposed water use of the proposed new lots would not injuriously affect the amenities of adjacent lots as I have the authority to require pursuant to the Land

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**Ministry of  
Transportation  
and Infrastructure**

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Title Act. In other words I indirectly required the developer to show me that there are adequate water supplies for the proposed and existing lots in the area. They have provided this information to me however I am aware of the new study currently underway, commissioned by you with the help of the regional district. This new report is still in draft form and I await the final version at which time I will review the report, consult with water experts at the Ministry of Environment, and then review the subdivision application. The developer will have the opportunity to also review this new report and provide any additional information they may want to. As I have seen the draft of the new report and the report from the developer's engineer, it appears I will have two relatively recent reports by qualified professionals with different opinions. As I am not a water expert, I rely on the reports and opinions of these experts.

You mention the Kaleden Acres subdivision to the north of Highway 3A. This proposal also requires a water report and the latest comments I received from the engineer is that it is not part of the same aquifer system as found between Horn Lake and Trout Lake. Well water test results are pending however the engineer for that development has provided indications that there is no concern.

In addition to the comments and requirements I have outlined, this subdivision application is proposing a community water system to serve the new lots. If the proposed community system is private, they will require confirmation from the regional district that the water supply requirements of current bylaws are satisfied and the approval from the Comptroller of Water Rights for a new community water system. I am consulting with that office about what their requirements may be, however at this point, no application has been made. If the regional district is to take on the proposed water system, there is no need for the approval of the Comptroller however the regional district would need to satisfy their own concerns and requirements.

I hope this helps clarify some of the various involvements here and provides you with further information about the processes involved. The water concerns of your area are being taken seriously and appropriate processes are being followed. If you have any additional comments or questions for me, please feel free to contact me.

Sincerely,



W. G. (Bill) Sparkes  
Provincial Approving Officer

Copy: Regional District of Okanagan Similkameen  
Copy: Ministry of Environment, Penticton