

ORDER OF THE MINISTER OF FORESTS

Water Sustainability Act

Ministerial Order No. M238

WHEREAS: I, Bruce Ralston, K.C., Minister of Forests, after review of information on the decline of flow in the Salmon River and its tributaries, consider that the flow of water in the Salmon River has dropped below 1.27 cubic metres per second and is so low that the survival of the spawning population of Thompson River Chinook Salmon in the stream has become threatened;

AND WHEREAS: in those circumstances, after giving due consideration to the needs of agricultural users, the Minister may make an order respecting the diversion, rate of diversion, time of diversion, or use, including storage and time of storage, of water from a stream, or an aquifer hydraulically connected to that stream, regardless of the precedence of rights, pursuant to section 88 of the *Water Sustainability Act* (WSA);

AND WHEREAS: based on the scientific evidence presented to me, I am satisfied that, without intervention on the lower Salmon River (East of Westwold), its tributaries and hydraulically connected aquifers, through such an Order, the required flow for these fish populations will not be available until a significant precipitation event occurs in the area, which is not expected to occur in time to protect the survival of this population of fish;

AND WHEREAS: I have given due consideration to the needs of agricultural users who may be affected by this Order.

THEREFORE, for the purposes of protecting the survival of this population of fish I, Bruce Ralston, K.C., Minister of Forests, (the “Minister”), pursuant to section 88 of the *Water Sustainability Act*, make the Order set out in the attached Schedule.

August 15, 2023

Date



Minister of Forests

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Water Sustainability Act*, SBC 2014, c.15, section 88

SCHEDULE

1. Effective August 15, 2023 until September 30, 2023, all diversion and use of water for irrigation purpose by holders of authorizations and transitioning groundwater users (defined in section 3 of this Order and identified by application number in Appendix A to this Order) from the lower Salmon River (East of Westwold), its tributaries, and hydraulically connected aquifers must cease, as follows:
 - a. This Order applies to the water licences (listed in Appendix A to this Order) and transitioning groundwater users (defined in section 3 of this Order and identified by application number listed in Appendix A to this Order) and to diversion and use of water for irrigation purpose under those licences by their licensees and to diversion and use of groundwater by transitioning groundwater users for irrigation purpose under the provisions of section 140 of WSA;
 - b. Irrigation for the production of forage/grass crops, including, but not limited to, grass/legume, alfalfa/grass, and corn must cease; and
 - c. Authorized irrigation for the production of non-forage/grass crops, including market vegetables, fruits, nursery/tree containers may continue.
 - d. Licensed irrigators who also hold a supporting licence and have remaining storage water available may continue to divert and use water from that storage in accordance with the conditions set forth in their licence documents. If and when that storage is exhausted, irrigation of forage/grass crops must cease as required by this Order.
2. For the purposes of this Order, the lower Salmon River tributaries and connected groundwater aquifers to which this Order applies are:
 - a. Palmer Creek, Rumball Creek, Mouttall Creek, Dolan Creek, Gordon Creek, Syme Brook, Wallensteen Creek, Kernaghan Creek, Grier Creek, Mowat Creek, Wall Creek, Harold Brook, Silver Creek, North Silver Creek, Haines Creek, Andrew Brook, Allardice Creek, Spa Creek, Bonnie Brook, Sanderson Creek, Stephen Creek, Fowler Creek, Butchart Creek, McAchaney Creek, Moffat Creek, Culling Brook, Hiltz Brook, Kennard Brook, Bishop Creek, Gillis Brook, Clear Brook, Poyntz Creek, Warren Creek, Ferris Creek, Yvonne Brook, Bolean Creek, Banks Brook, Six Mile Creek, St. Laurent Creek, Ivor Creek, Valentine Creek, Mail Creek, Childless Creek, Raspberry Creek, Falkland Creek, Currie Creek, Joseph Creek, Titus Creek, Ingram Creek, Clemitson Creek, and
 - b. Aquifer 97, Aquifer 98, and Aquifer 289.
3. For the purposes of this Order, “transitioning groundwater users” refers to persons who were already diverting and using groundwater when WSA came into force on February 29, 2016, and who qualified and applied for authorizations under s.140 of WSA during the transition period ending March 1, 2022, to continue their existing non-domestic groundwater diversion and use but whose applications for authorizations remain to be decided.

4. This Order remains in effect until September 30, 2023, or until further order of the Minister.
5. It is a high penalty offence under section 107(1)(e) of the *Water Sustainability Act* to contravene an order of the Minister made under section 88 of the *Water Sustainability Act*.

Appendix A- List of Water Licences and Transitioning Groundwater Use Applications for Irrigation Purpose subject to the Minister’s Order made under section 88 of the *Water Sustainability Act*

Stream Water Licences:

C067566, C132568, C133785, F005873, C044365, C132569, C052490, C116720, F129387, C129136, C129137, C114241, C133854, C022993, C040006, C065676, F006016, C063517, C127358, C058176, C037462, C115352, C043202, C120228, C115748, C119095, C119097, C128887, C027094, C027093, C129238, C129240, C133265, C129231, C115807, C127549, C115835, C069012, C044552, C127482, C111192, F016090, C111194, C036463, C126995, C127630, C133004, F016985, C134290, C134291, C134285, C056111, C133005, F042965, C027262, F006749, C037312, F015993, C058894, C068371, C068370, C068372, C115422, C134430, C068448, C129306, C128111, C115550, C129311, C033158, F039359, C044553, C023037, C042874, C042461, F012715, C068315, C129905, C114240, C030660, F017522, F115857, C035355, F021097, C128886, C027934, C027933, C120227, C043196, C040965, C065021, C040963, C053300, C025174, F011764, F016926, F131879, F131880, C043200, C111344, C115347, C119585, F018467, C042460, C111207, C133026, C120958, C111790, C127363, C127362, C120959, C053380, C119587, C127486, C127560, C132663, C127718, C127723, C127725, 500736, C044888, C044682, C037463, C127517, C052455, C023918, C038152, C026747, F068563, C127519, F017521, C049735, F128222, C063655, C123237, C123235, C104936, C104934, C058589, C041514, F040516, C120703, C120702, F114235, C120704, C114236, C120705, C058179, F021401, C037009, C053302, C115570, C115569, F014299, F021405, C126969, C053296, C053297, C068668, C107888, C044764, C046346, C046348, C058175, C107887, C059165, C059164, F053299, C053298, C132645, F009862, C128101, C043851, C127342, C044889, C043849, C043205, C044763, F020473, C053222, C122965, C125961, C122964, C067286, F130580, C040763, C070121, F045775, F018281, C066997, C037857, C046952, F021360, C122269, C128075, C128895, F068564, C033653, C114218, C048584, C055507, C112498, C112497, C121647, C114217, 501785, C123232, C123234, 502038, 502054, C037008, 502037, 502256, F065015, F038981, C067344, C067355, C108022, C067343, C068287, C068193, C058180, C030240, C115407, F043394, C043203, C131583, C031439, C062439, F019297, C127570, C127749, C116719, C067487, C127817, F127819, F127801, C127750, C115405, C037854, C037311, C068192, C040964, C042653, C134407, F017276, F008081, C049377, C134386, C127518, C043194, C127526, F020998, C039100, C042655, C131436, C119091, C115355, C127647, C063711, C063712, C119093, C070122, C120555, C066986, C068932, 501784, C131435, C068933, C068934, C133460, F015326.

Groundwater Licences within Aquifers 97, 98, 289.

500650, 502104, 501848, 502703, 500996, 501408, 502482, 503090, 502158, 501919, 500517, 504084, 502351, 504086, 502342, 500515, 500516, 500518, 500127, 500128, 501580, 501969, 500601, 500592, 500403, 501066, 501067, 501169, 500305, 500304, 500307, 500306, 500778, 500777, 500649, 500056, 503135, 501121, 500089, 501314, 504062, 502057, 502737.

Existing Use Groundwater Applications (transitioning groundwater use):

100381259, 100378259, 100376064, 100375772, 100374681, 100372155, 100371320, 100369382, 100381421, 100380939, 100380708, 100380693, 100378491, 100378438, 100376097, 100375704,

100375593, 100374861, 100373693, 100373571, 100373214, 100371656, 100371267, 100371225,
100366654, 100366414, 100366166, 100360213, 100357515, 100338640, 100278900, 100278542,
100176665, 100163582, 100372544.