

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF FORESTS

*Water Sustainability Act*

Ministerial Order No. M239

**WHEREAS** I, Bruce Ralston, Minister of Forests, after review of information on the decline of flow in Bessette Creek and its tributaries, consider that the flow of water in Bessette Creek has dropped below 1.0 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*;

**AND WHEREAS** based on the scientific evidence presented to me, I am satisfied that, without intervention on Bessette Creek, 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, 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

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*(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, s. 88

Other: \_\_\_\_\_

## SCHEDULE

1. Effective August 15, 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 Bessette Creek, its tributaries, and hydraulically connected aquifers (if applicable) must cease, as follows:
  - a. This Order applies to the water licences listed in Appendix A to this Order and transitioning groundwater users 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 under the provisions of section 140 of the *Water Sustainability Act*;
  - b. Irrigation for the production of forage/grass crops, including, but not limited to, grass/legume, alfalfa/grass must cease;
  - 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 storage licence and have remaining storage water available may continue to divert and use water from that storage in accordance with the conditions set out 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 Bessette Creek tributaries and connected groundwater aquifers to which this Order applies are:
  - a. Alberts Creek, Beaverjack Creek, Churchill Creek, Creighton Creek, Deafies Creek, Duteau Creek, Gallon Creek, Higgins Creek, Laviolette Spring, Moonshine Creek, Nicklen Creek, Norris Creek, Pickering Brook, Prezeau Creek, Rawlings Lake, Rice Brook, Ross Spring, Rouck Spring, Saunders Spring No. 1, Saunders Spring No. 2, Sheni Spring, Spider Creek, Springs Creek, Papp Brook, and Vance Creek.
  
  - b. Aquifers 319, 318, 316, 314, 310, and 1004.

3. For the purposes of this Order, “**transitioning groundwater users**” means persons who were already diverting and using groundwater when the *Water Sustainability Act* came into force on February 29, 2016, and who qualified and applied for authorizations under section 140 of the *Water Sustainability Act* 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 is 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 (if applicable):

501405, 502081, 502212, 504009, 504601, C016191, C019060, C023827, C034665, C035864, C041362, C043679, C046178, C046180, C047257, C047464, C047465, C048132, C050046, C050047, C050771, C055035, C056535, C059172, C060407, C060413, C060416, C060431, C060617, C062230, C066338, C066386, C066387, C066388, C066399, C066400, C068160, C068216, C068295, C068297, C068310, C068311, C070263, C070264, C104269, C109279, C110558, C110795, C110796, C110797, C110799, C110800, C110801, C113140, C113141, C114007, C114324, C116300, C116436, C116862, C119048, C119049, C120331, C120579, C120580, C124281, C129779, C129780, C129781, C129782, C129857, C129858, C131856, C133412, C133643, C133644, C133777, F003740, F005724, F008453, F008549, F021024, F021315, F021392, F021422, F021423, F021424, F021550, F041037, F044264, F047372, F047740, F047741, F047742, F047743, F047747, F047752, F047753, F047911, F047912, F048084, F048085, F048207, F048860, F051952, F053324, F053325, F066390, F066403, F070840

Groundwater Licences within Aquifers (if applicable).

500035, 500064, 500144, 500490, 501007, 501216, 501393, 501441, 501505, 502485, 502628, 502645, 502812, 503134, 503222, 503255, 503281, 503322, 503391, 503411, 503886, 503987, 504209, 504754, 505100

Existing Use Groundwater Applications (transitioning groundwater use):

100373318, 100380795, 100377392, 100373895, 100366239, 100377894, 100372150, 100380846, 100373837, 100378358, 100379452, 100358955, 100377773