

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF FORESTS

Water Sustainability Act

Ministerial Order No. M241

WHEREAS I, Bruce Ralston, K.C., Minister of Forests, after review of information on the decline of flow in the Tsolum River and its tributaries, consider that the flow of water in the Tsolum River has dropped below 215 litres per second and is so low that the survival of the population of steelhead (rainbow) trout 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, including its tributaries, 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 the Tsolum River, its tributaries and hydraulically connected aquifers, through such an order, the required flow for this steelhead (rainbow) trout fish population 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 18, 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, S.B.C 2014, c. 15, s. 88

Other: _____

SCHEDULE

1. Effective August 18 2023, all diversion and use of water for irrigation purpose and for industrial purpose by holders of authorizations and transitioning groundwater users (defined in section 3 of this Order and identified by application number in Appendix B to this Order) from the Tsolum River, 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 and to diversion and use of water for irrigation purpose and industrial purpose under those licences by their licensees and to diversion and use of groundwater by transitioning groundwater users for irrigation purpose and industrial purpose 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, and corn must cease.
 - c. Authorized irrigation for the production of non-forage/grass crops, including market vegetables, fruits, and 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.
 - e. Diversion and use of water for the following industrial sub-purposes must cease:
 - i. Lawn, fairway and garden;
 - ii. Fresh water bottling;
 - iii. Vehicle and equipment.
 - f. Diversion and use of water for all other industrial sub-purposes, other than those listed in subsection (e) may continue.
2. For the purposes of this Order, the Tsolum River tributaries and hydraulically connected aquifers to which this Order applies are the following:

- a. Portuguese Creek, Dove Creek, Forsyth Creek, Smit Creek, and various springs and swamps, including Carwithen Swamp, Turner Swamp, Mattoon Spring and Garrick Spring; and
 - b. Hydraulically connected aquifers (Aquifer 408).
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 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 that Act.

Appendix A – List of Water Licences: Irrigation and Industrial Purpose Subject to Minister’s Order

Water Licences:

Licence	Purpose	Source
501850	Industrial (Lawn, Fairway & Garden)	Aquifer 408
500169	Industrial (Fresh Water Bottling)	Aquifer 408
501904	Irrigation	Aquifer 408
C038745	Irrigation	Carwithen Swamp
C046036	Irrigation	Tsolum River
C046037	Irrigation	Tsolum River
C047338	Irrigation	Mattoon Spring
C054111	Irrigation	Tsolum River
C054654	Irrigation	Garrick Spring
C058764	Irrigation	Turner Swamp
C105590	Irrigation	Smit Creek
C128698	Irrigation	Tsolum River
C128699	Irrigation	Tsolum River
C129830	Irrigation	Forsyth Creek
F013576	Irrigation	Tsolum River
F016578	Irrigation	Tsolum River
F044519	Irrigation	Tsolum River
F052563	Irrigation	Tsolum River

Appendix B – List of Transitioning Groundwater Use Applications for Irrigation and Industrial Purpose on Hydraulically Connected Aquifers Subject to Minister’s Order (as applicable)

Applications with the following FrontCounter BC Tracking Numbers:

FCBC Tracking Number	Application Purpose
100380567	Industrial (Vehicle & Equipment)
100379164	Industrial (Vehicle & Equipment)
100217597	Irrigation
100230780	Irrigation
100233733	Irrigation
100246379	Irrigation
100246439	Irrigation
100246443	Irrigation
100264481	Irrigation
100272171	Irrigation
100272794	Irrigation
100275697	Irrigation
100278097	Irrigation
100281358	Irrigation
100364629	Irrigation
100369314	Irrigation
100370071	Irrigation
100371593	Irrigation
100372840	Irrigation
100373264	Irrigation
100374030	Irrigation
100376762	Irrigation
100377467	Irrigation
100377633	Irrigation
100378171	Irrigation
100379653	Irrigation
100380272	Irrigation