

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF FORESTS

Water Sustainability Act

Ministerial Order No. M249

WHEREAS I, Bruce Ralston, K.C. Minister of Forests, after review of information on the decline of flow in the Koksilah River and its tributaries, consider that the flow of water in the Koksilah River has dropped below 180 litres per second and is so low that the survival of populations 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, 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 Koksilah 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 the Steelhead (rainbow) trout 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 23, 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 23, 2023, all diversion and use of water for irrigation and industrial purpose by holders of authorizations (identified by Appendix A to this Order) and transitioning groundwater users (defined in section 3 of this Order and identified by application number in Appendix B to this Order) from the Koksilah 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 and industrial 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, and corn 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 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-purpose must cease:
 - i. Processing and manufacturing;
 - f. Diversion and use of water for all other industrial sub-purposes, other than those listed in subsection 1(e) may continue.
2. For the purposes of this Order, the Koksilah River tributaries and connected groundwater aquifers, to which this Order applies are:
 - a. Batty's Creek, Canrobert Creek, Cousins Springs, Dougan Ditch, Dougan Lake, Dykema Brook, Ellison Brook, Fraser Spring, Glenora Creek, Godfrey Spring, Gordon Spring No. 1, Gordon Spring No. 2, Gordon Spring No. 3, Goshawk Creek, Groenewold Creek, Heather Bank Brook, Heather Bank Swamp No 1, Heather Bank Swamp No 2, James Spring, Kelvin Creek, Kenneth Creek, Koksilah River, Limbrant Spring, Marriott Creek, McNally Spring, McLennan Spring, McVane Spring, Neel Creek, Norie Creek, Patrolas Creek, Pondhawk Spring, Pratt Lake Creek, Quqli'lum Creek, Riverside Swamp, Rose Spring, Rosedale Swamp, Sender Brook, Stephen Ditch, Tattam Brook, and Weeks Creek; and
 - b. Aquifer 185 and Aquifer Duncan Unconsolidated.
3. For the purposes of this Order, “**transitioning groundwater users**” refers to 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 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 that Act.

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

Water Licences:

Licence	Purpose	Source
500156	Industrial (Processing & Manufacturing)	Aquifer 185
500164	Industrial (Processing & Manufacturing)	Aquifer Duncan Unconsolidated
F053413	Industrial (Processing & Manufacturing)	Koksilah River
F053415	Industrial (Processing & Manufacturing)	Koksilah River
500153	Irrigation	Aquifer 197
500154	Irrigation	Aquifer 197
501189	Irrigation	Dougan Ditch & Stephen Ditch
501190	Irrigation	Dougan Ditch & Stephen Ditch
501191	Irrigation	Dougan Ditch & Stephen Ditch
501193	Irrigation	Dougan Lake
501194	Irrigation	Dougan Lake
501195	Irrigation	Dougan Lake
501259	Irrigation	Goshawk Creek
501452	Irrigation	Gordon Spring No. 1, No. 2, & No. 3
501453	Irrigation	Kenneth Creek
501485	Irrigation	Pondhawk Spring
501755	Irrigation	Quqli'lum Creek
C023731	Irrigation	Koksilah River
C033120	Irrigation	Cousins Springs
C036936	Irrigation	Koksilah River
C038835	Irrigation	Koksilah River
C045293	Irrigation	James Spring
C046476	Irrigation	Fraser Spring
C049211	Irrigation	Weeks Creek
C053152	Irrigation	Patrolas Creek
C054450	Irrigation	Patrolas Creek
C054971	Irrigation	Neel Creek
C054975	Irrigation	Koksilah River
C056647	Irrigation	Heather Bank Brook
C063984	Irrigation	Riverside Swamp

Licence	Purpose	Source
C063993	Irrigation	Rosedale Swamp
C065743	Irrigation	Limbrant Spring
C070320	Irrigation	Marriott Creek
C100953	Irrigation	Sender Brook
C114277	Irrigation	Heather Bank Swamp No 1
C114278	Irrigation	Heather Bank Swamp No 2
C114279	Irrigation	McInally Spring
C114280	Irrigation	McVane Spring
C116327	Irrigation	Tattam Brook
C116549	Irrigation	Patrolas Creek
C117759	Irrigation	Norie Creek
C117760	Irrigation	Batty's Creek
C124821	Irrigation	Rose Spring
C125192	Irrigation	Patrolas Creek
C125315	Irrigation	Kelvin Creek
C125316	Irrigation	Kelvin Creek
C125373	Irrigation	Patrolas Creek
C125382	Irrigation	Glenora Creek
C125444	Irrigation	Godfrey Spring
C125926	Irrigation	Koksilah River
C128608	Irrigation	Patrolas Creek
C128609	Irrigation	Patrolas Creek
C128610	Irrigation	Patrolas Creek
C128637	Irrigation	Patrolas Creek
C128638	Irrigation	Patrolas Creek
C128639	Irrigation	Patrolas Creek
C128652	Irrigation	Patrolas Creek
C129194	Irrigation	Ellison Brook
C129261	Irrigation	Kelvin Creek
C129262	Irrigation	Kelvin Creek
C129908	Irrigation	Koksilah River
C130015	Irrigation	Tattam Brook
C130066	Irrigation	Heather Bank Brook
C131052	Irrigation	Ellison Brook
C131674	Irrigation	McLennan Spring
F013994	Irrigation	Koksilah River
F017608	Irrigation	Dougan Lake
F044138	Irrigation	Patrolas Creek
F045509	Irrigation	Koksilah River
F048573	Irrigation	Koksilah River
F052155	Irrigation	Koksilah River
F053546	Irrigation	Koksilah River
F053972	Irrigation	Pratt Lake Creek
F054151	Irrigation	Koksilah River

Licence	Purpose	Source
F054152	Irrigation	Koksilah River
F054154	Irrigation	Koksilah River
F056335	Irrigation	Dykema Brook & Groenewold Creek
F128076	Irrigation	Kelvin Creek
F128078	Irrigation	Kelvin Creek

Appendix B – List of Transitioning Groundwater Use Applications for Irrigation Purpose Subject to Minister’s Order

Applications with the following FrontCounter BC Tracking Numbers:

FCBC Tracking Number	Application Purpose
100186675	Irrigation
100188199	Irrigation
100191293	Irrigation
100193089	Irrigation
100194871	Irrigation
100195545	Irrigation
100195988	Irrigation
100197113	Irrigation
100199794	Irrigation
100230180	Irrigation
100231061	Irrigation
100232630	Irrigation
100232995	Irrigation
100234950	Irrigation
100235027	Irrigation
100271792	Irrigation
100272748	Irrigation
100275599	Irrigation
100277230	Irrigation
100339592	Irrigation
100345666	Irrigation
100353093	Irrigation
100366394	Irrigation
100371697	Irrigation
100374036	Irrigation
100375894	Irrigation
100375944	Irrigation
100377505	Irrigation
100381505	Irrigation