



Environmental Appeal Board

APPEAL NO. 92/28 WATER ACT

In the matter of an appeal under s. 38 of the *Water Act*, R.S.B.C. 1979, c. 429, on a decision of the Deputy Comptroller of Water Rights.

BETWEEN:	John and Gladys Blatchford	APPELLANTS
AND:	Deputy Comptroller of Water Rights	RESPONDENT
AND:	John and Nancy Luy	APPLICANTS

CONSENT ORDER

On February 23, 1993, the Appellants appealed from a decision of the respondent, the Deputy Comptroller of Water Rights, under s. 38(1.1) of the *Water Act*, R.S.B.C. 1979, c. 429;

A panel of the Environmental Appeal Board heard from all parties in an hearing on March 14 and 15, 1995, in Quesnel, B.C. Before the Panel gave a decision, the Appellants and Applicants reached a full and final settlement of the dispute before the Board which they have now submitted to the Board (the "Settlement").

After hearing the evidence of the Parties, supplemented by a site-visit to the Applicant's property, the Panel agrees that the Settlement is a proper disposition of this Appeal.

Accordingly, the Panel orders by consent of the parties that

- **The Settlement arrived at between the Appellants and Applicants be implemented, as laid out in the attached copy.**
- **The consent of the Appellants and Applicants to the Settlement, as evidenced by their signatures on it, may be considered consent to this order.**
- **The Respondent and his staff, to the extent that they are able and that such actions are consistent with the Water Resources Branch's duties and obligation, take whatever steps are required to allow the Appellants and Applicants to implement the Settlement.**

Dated at Victoria, British Columbia, this 16th day of June, 1995.

David Perry, Panel Chair
Environmental Appeal Board

APPROVED AND CONSENTED TO:
ON BEHALF OF THE RESPONDENT:

Jack E. Farrell
Deputy Comptroller of Water Rights

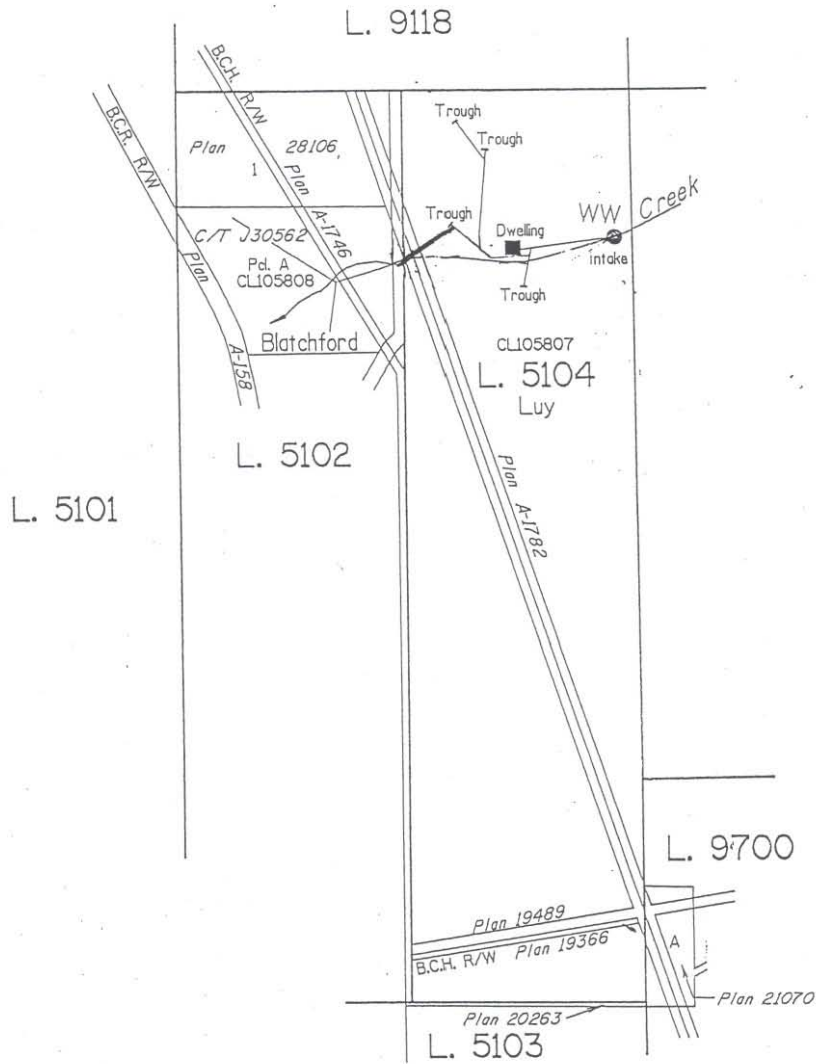
AGREEMENT REGARDING WATER RIGHTS'ON JONES CREEK DATED THIS 28th DAY OF MARCH, 1995
NEAR THE CITY OF QUESNEL, IN THE PROVINCE OF BRITISH COLUMBIA

In exchange for mutual consideration of priority in domestic water rights of Conditional Water Licence 105807 on Jones Creek given to John and Nancy Luy and a non-transferable life easement given to John and Gladys Blatchford with respect to their irrigation water rights of Conditional Water Licence 105808 on Jones Creek, the Parties named herein agree as follows:

1. THAT John and Nancy Luy agree to give John and Gladys Blatchford a life easement for access to the Blatchfords' water rights on Jones Creek over the portion of D.L. 5104 Cariboo District that is required for the pvc irrigation. pipeline, as marked in red on the map attached herein; such easement to expire absolutely upon the death of the survivor of John and Gladys Blatchford, or the sale of Parcel A, District Lot 5102 Cariboo District, or the sale of any other Parcel of land to which John and Gladys Blatchford may transfer Conditional Water Licence 105808;
2. THAT John and Nancy Luy agree to register such life easement upon copy of same being presented to them in a form capable of registration;
3. THAT John and Nancy Luy agree to install a 1 1/2 inch p.v.c. pipe to a depth capable of frost protection to the West Coast Transmission Right of Way and thereon at a depth of approximately 1 foot, or to a depth agreeable to West Coast Transmission in consultation with the Parties, to the Blatchfords' property line near John and Gladys Blatchford's current. point of diversion;
4. THAT the Parties agree that there shall be a physical demonstration that the work has been commenced before May 1, 1995 and that the pipe installation shall be completed by June 1, 1995; provided that it is agreed that these dates are not of the essence should the letters of permission to cross the West.-Coast Transmission Right of Way currently on file are found to be invalid;
5. THAT the Parties agree that should new approval be required to cross existing easements and rights of way, that John and Gladys Blatchford shall obtain such approval and that John and Nancy Luy shall complete installation of the said work within sixty (60) days of receiving same; provided that, if such approval is received during the winter months, the completion date shall be May 15 of the following year; ,
6. THAT John and Gladys Blatchford agree to place the domestic water rights of John and Nancy Luy contained in Conditional Water Licence 105807 in priority to their irrigation water rights of Conditional Water Licence 10.5808.

SIGNED, SEALED and DELIVERED
IN THE PRESENCE OF

Witness:	John Blatchford
Witness:	Gladys Blatchford
Witness:	John Luy
Witness	Nancy Kuy



Province of
British Columbia

BC Environment

Water Rights Branch - Victoria
Appeals Unit

Sketch to Accompany Appeal Book
Blatchford Appeal

Water District	Quesnel	Precinct	Cottonwood
Map No.	93B.058.2	Scale	1 : 10000
Prepared by	R. Cairns	Date	Mar. 1, 1994

JL

ndy. J.A.B. [Signature]