

## Ken Gobeil

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**From:** [REDACTED]  
**Sent:** April 12, 2024 11:13 AM  
**To:** Ken Gobeil  
**Subject:** DVP680-04A PL2023-056 ( part 1 letter)  
**Attachments:** [REDACTED] driveway easement.pdf; our waterline from McDermot Brook.pdf; Letter to oppose Development VP No680-04A.docx; [REDACTED] water line.pdf; CL 117176 our water licence .pdf; East Line underground along Kostiuk rd.pdf

Hello Ken,

As our discussion on April 10<sup>th</sup> 2024 regarding our opposition to the Development Variance Permit No. 680-04A.

Herewith find our letter and maps of discussion along with other documents to assist you in 2 parts.

We are advising for our best outcome of these long suffering intrusions.

Cheers, [REDACTED]

Ps: I'm sorry my pdfs are upside down.

## Letter to oppose Development Variance Permit No. 680-04A

We [REDACTED] and [REDACTED] are located at [REDACTED] Kostiuk Road, Golden, BC V0A1H2 are opposed to File: DVP680-04A PL2023-056 of Apr 05/24.

The water line shown on this plan is deceiving. Information to all this proposal is not in the best interests of any party located along the areas involved.

History to details may bring to light more understanding of what is actually here.

We have been at this location since November 1999. The house at [REDACTED] Kostiuk Rd was built 1988-1989 and a waterline went through the lot in our understanding which was removed and another one was put on the ground to not dissect the property to be built on. This new replaced waterline was possibly a fire line pipe as it was very thick and sturdy approximate 1 ½ or two (2) inches in diameter, at the time houses [REDACTED] and [REDACTED] were receiving water from it. This line was on top of the ground and remained there along the roadside of Kostiuk Rd feeding the 2 houses from a pond of water situated above on the edge of the hwy 95 South...yep ducks and deer enjoyed it as well.

We started looking into the situation to discover there were no easement made to our property and went on to ensure we had it done.

First it was discovered that we had no driveway easement, therefore applied Nov 24<sup>th</sup>, 1999 for a legal easement to our home of [REDACTED] Kostiuk road.

Second knowing of the pond situation for providing drinking water we applied on Sept 26<sup>th</sup>, 2001 as per our File 03-012-11415 Permit 12B 341/01 to Selkirk District to have easement of a proper waterline put in from the then known as Leah Spring and now renamed McDermot Brook and/or McDermot Spring down to our property. This easement also provided a crossing under the Kostiuk road to reach our property beside a culvert. This application was approved March 31 2002.

Third Our Conditional Water licence 64831 now 117176 as of November 01<sup>st</sup> 2002 came through an established Easement with [REDACTED] land owner of the McDermot Brook and was provided with neighbor house [REDACTED], filed in land titles Kamloops registry.

In Summary: there is a legal easement from McDermot Brook/Spring to our property of [REDACTED] Kostiuk road, which is on the Eastside of Kostiuk Rd.

When we were putting our collection tank in at a designated location of the owner in the McDermot Brook/Spring, we were given information to stay away from a one (1) inch black line running parallel near highway 95 S and crossing under Kostiuk Rd ( in ditch near intersection) also collecting from this pond to provide to houses number [REDACTED] and [REDACTED] which also crossed under highway 95 S at the bottom end near our property. (on map small point of land).

Since the property owner [REDACTED] made everyone remove their pipes and reestablish only via her agreement, yet this line of [REDACTED] only went dormant even though disallowed being left beyond the designations, [REDACTED] told us to not tell her. [REDACTED] designated each person a location to place our catch pots. (Map shows those as A, B, C note how many lines come from [REDACTED] pots B and C. We are pot A). Pot B was [REDACTED] main catch spot pot.

The map we are providing will show you how this [REDACTED] line is now called [REDACTED] pivot waterline is above designated location and is in supposedly serving [REDACTED], yet water is being transported to an undisclosed 4 or 6ft culvert in a building that is providing water to an upper lot shown as Remainder Lot with Property Rem W ½ of SW ¼ on CSRD A4057 and Remainder Lot called Proposed Rem NW ¼ sec 28 or 29 as shown per Sketch Plan of Proposed Subdivision of Part of NW ¼ SEC 29 TP 269 R 21 W5M Kootenay District except plans 10028,11497,12760,17229,18938 and NEP22520.

This culvert is located on the picture of the Remainder Lot at the corner before the line goes up to a box on the ground. There is also a drilled well on this property by the box shown of the proposed Rem NW ¼ SEC 28 or 29 which is just above our house.

A drilled well was put in the lot of house number [REDACTED] at the time of this and other drilled wells being placed for [REDACTED].

House number [REDACTED] is a trailer and has many sprinkler systems throughout and a water house has been established along the west side of Hwy 95 S recently and also a new trailer [REDACTED] is on the same property of [REDACTED]

I had advised water branch of many breaches, which they were all dismissed.

We find this very disappointing that [REDACTED] who applied for water licence August 09<sup>th</sup>, 2004 and was stamped by Land and Water British Columbia Inc. Aug 18<sup>th</sup>, 2004 for a total of 125 gal of water with joint works with [REDACTED] can

be supplying the newest trailer number [REDACTED] as recent as 2022 on said property from McDermot Spring via application number 2119865 water file number 4004834. Water Branch had advised us that there was to be no more water taken from this McDermot Brook/Spring with my 2018 letter reporting.

More... how and why we are upset of this proposal are from the breaches and damages done just within our easements.

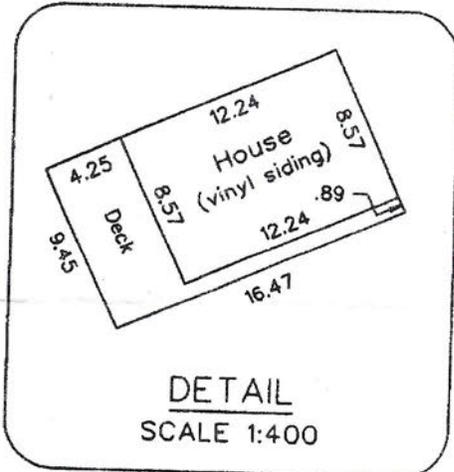
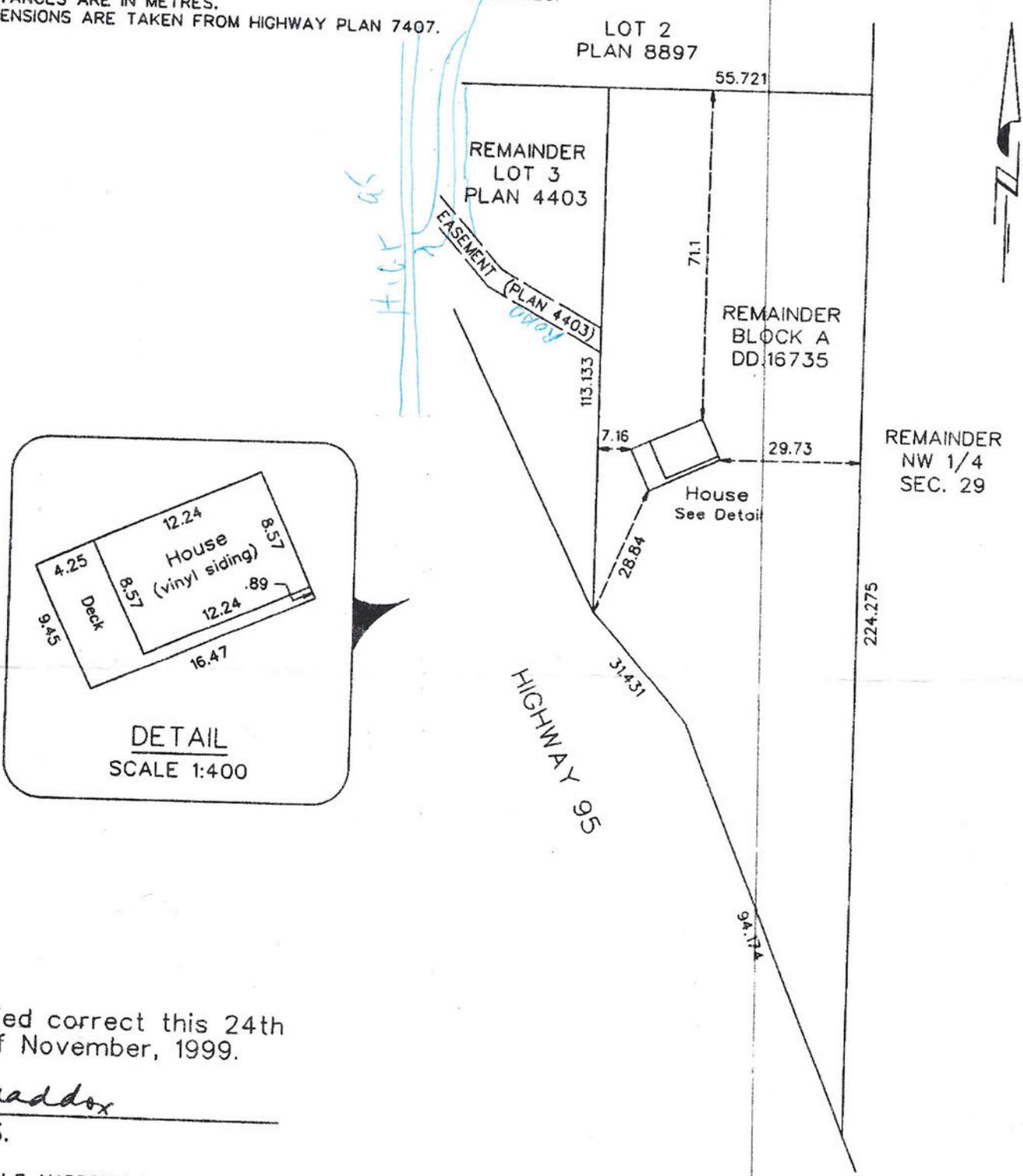
First thing after we had a legal easement and [REDACTED] under direction of [REDACTED], decided to have a contractor come in and dig his waterline into and on top of our waterline and easement, so now we are below their pipelines if anything were to happen. Again, there is no easement for them or given permission to our knowledge for doing so. A continuous thing they do is in increments and on or near weekends. (They do not show pipeline on your map.)

Next [REDACTED] hired Golden Installation to dig with the backhoe and placed his pipe inside with ours under Kostiuik Rd and then continued on, now the east side of Kostiuik where the Pre 1999 pipe lay above the ground; they dug only beside it as it was visible and continued forward along our pipe line whereby the backhoe contacted our pipe 3-4 feet underground and broke it completely off in the lot [REDACTED] where our easement is. This again was under the direction of [REDACTED] and [REDACTED]. We had no notification for this work being done.

We had a renter in our house and this to me was very serious, as it would mean contaminated lines, etc.

Now it was in October 2006; we had moved to another location and were running a business; one day when we passed by our property and noticed fresh digging going on below on the property, upon inspection we learnt that a contractor was instructed to remove our surface soil and place a four (4) foot by four (4) pile covering over [REDACTED]/[REDACTED] waterline that goes to the undisclosed huge three (3-6) foot wide culvert holding water tank held inside of a building that actually sends water up more pipelines to serve a house on Property Rem W 1/2 of SW ¼ on CSRD A4057 map and also goes to the Proposed Rem Subdivision of Part of NW ¼ SEC 29 or 28(cant read number clearly) box.

NOT TO BE USED FOR RE-ESTABLISHMENT OF PROPERTY BOUNDARIES.  
 ALL DISTANCES ARE IN METRES.  
 LOT DIMENSIONS ARE TAKEN FROM HIGHWAY PLAN 7407.



Certified correct this 24th day of November, 1999.

*W Maddox*  
 B.C.L.S.

© WILLIAM E. MADDOX B.C.L.S. 1999

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED.

SURVEY CERTIFICATE SHOWING BUILDING LOCATION ON THAT PART OF THE NW 1/4 SEC. 30, TP. 26, RGE. 21, W5M, KOOTENAY DISTRICT SHOWN IN RED ON PLAN DD.16735, EXCEPT PLANS 4085, 4403, 4596 AND 9695

SCALE: 1 : 1250	OUR FILE: G970
DATE: 24 Nov. 99	DRAWN: RB
14704 Hould	
<b>WILLIAM E. MADDOX</b> <b>B.C. LAND SURVEYOR</b> 3500 - 30th STREET VERNON, B.C. V1T 5E8 TELEPHONE (250)542-4343	

6233

1 cm ≈ 25.24 m

3  
(2.679 ha)

2  
33 ha)

1  
(3.402 ha)

7614

Plan 17229

8897

6153

4403

2

4403

DD 16736

18667

ALMBERG ROAD

NW 1/4  
Sec. 29

± 7 ACRES

9

1005

Nicholson Rd

Rem. 1

510



**Application Form for Crown Land and Water Licence**

Land and Water British Columbia Inc.'s (LWBC) Target Turnaround Time to a Decision, from the date of acceptance of your land tenure application by LWBC, is 140 days.

A 140 day Target Turnaround Time to a Decision for a Water Licence will be implemented for applications received after April 1, 2003.

PLEASE REFER TO THE LWBC APPLICATION FORM GUIDE WHEN COMPLETING THIS APPLICATION

Name(s) and Mailing Address			FOR OFFICE USE ONLY	
Surname [REDACTED]	Given Name [REDACTED]	Middle Name [REDACTED]	*Joint Tenants <input type="checkbox"/>	Date Received <b>LAND AND WATER BRITISH COLUMBIA INC.</b>  <b>AUG 18 2004</b>  <b>GRANBROOK, BC</b>
[REDACTED]	[REDACTED]	[REDACTED]	*Tenants in Common <input type="checkbox"/>	
Company Name <input type="checkbox"/> Society Name <input type="checkbox"/>				
BC Incorp. No., BC Registered No. or Society No.:				
Mailing Address [REDACTED]			Land File Number:	
			Water File Number:	
			Applicant File Number:	
Postal Code: [REDACTED]			*GST Registration Number:	
E-mail Address			*Canadian Citizen or Permanent Resident Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Home Phone ( [REDACTED] ) [REDACTED]-[REDACTED]	Business Phone ( ) ( )	Fax Number ( ) ( )	*Age: 19 or over Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

\*NOTE: Only applicable to land tenure applications under the *Land Act* (see Appendix A).

**Explanation of Appendix A and Appendix B**

**APPENDIX A – APPLICATION FOR CROWN LAND – LAND ACT**

Please proceed to Appendix A and provide all requested information if Crown land is required.

**APPENDIX B – APPLICATION FOR A WATER LICENCE – WATER ACT**

Please proceed to Appendix B and provide all requested information if a water licence is required.

**Note:** If your proposed Works will affect Crown land (cross, occupy or flood), a Permit Over Crown Land (PCL) may be issued under the *Water Act*. It is necessary that you contact LWBC in order to determine the appropriate authorization for occupying Crown land.

Applicant /Agent's Signature [REDACTED]	Land Application Fee Enclosed <input type="checkbox"/> Water Application Fee Enclosed <input checked="" type="checkbox"/>	Date 09 Aug. 2004
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PLEASE RETAIN A COPY OF THIS APPLICATION FOR YOUR RECORDS



# Land and Water British Columbia Inc.

A corporation of the government of British Columbia

## FOR OFFICE USE ONLY

Amount Received: \$ 100.00 Receipt Number: 317531

Water File Number: 4004834 Application Number: 2119865

### APPENDIX B - APPLICATION FOR A WATER LICENCE - WATER ACT

NOTE: Once you have completed this form, please refer to the Application Completeness Checklist at [http://lwbc.bc.ca/water/app\\_package/](http://lwbc.bc.ca/water/app_package/) for additional information that must be submitted with this application.

#### Part 1. Place of Use - Legal description of property where water is to be used

Do you hold another water licence(s)?

Yes  No  If yes, state Licence Number: \_\_\_\_\_ File Number: \_\_\_\_\_ Client Number: \_\_\_\_\_

PID # 005-453-432  
 Land description LOT 1, SEC 30, TWP 26 R21, Range 21, Meridian 5, Kootenay Land District Except Plan 7614 NEP 69242  
 WSM PLAN DEP 71617  
 Civic address of the property 763 Kostick Road.  
 CHANGED AS PER [redacted]

Confirmation of tenure to land. A licence holder must have tenure to the land where water will be used. (Provide Certificate of Title, Recent Tax Notice or Lease)

Are you the Registered Owner?  
 Yes  No  Lessee  Other

#### Part 2. Purpose(s) and Quantity(ies) - Please refer to Schedule 1 - Water Purpose and Application Fees

<b>Domestic:</b> Number of dwellings: <u>1</u> Quantity (gallons per day): <u>500</u>	<b>Other:</b> Quantity: _____ Unit: _____ Quantity: _____ Unit: _____
<b>Irrigation:</b> Quantity: _____ Unit: _____ Number of acres to be irrigated: _____	<b>Stockwatering:</b> Quantity: _____ Unit: _____ Number of stock: _____ Type of stock: _____

Note: For a Water Licence application with a proposed diversion rate of over 25,000 gallons a day, a Development Plan must be completed.

#### Part 3. Source of Water

Name of Source Mc Dermot Spring Flows into Columbia River  
 If creek, brook or river, width of source at diversion point: 100

#### Part 4. Works - Existing or proposed to divert and convey water to place of use (must be shown on the drawing)

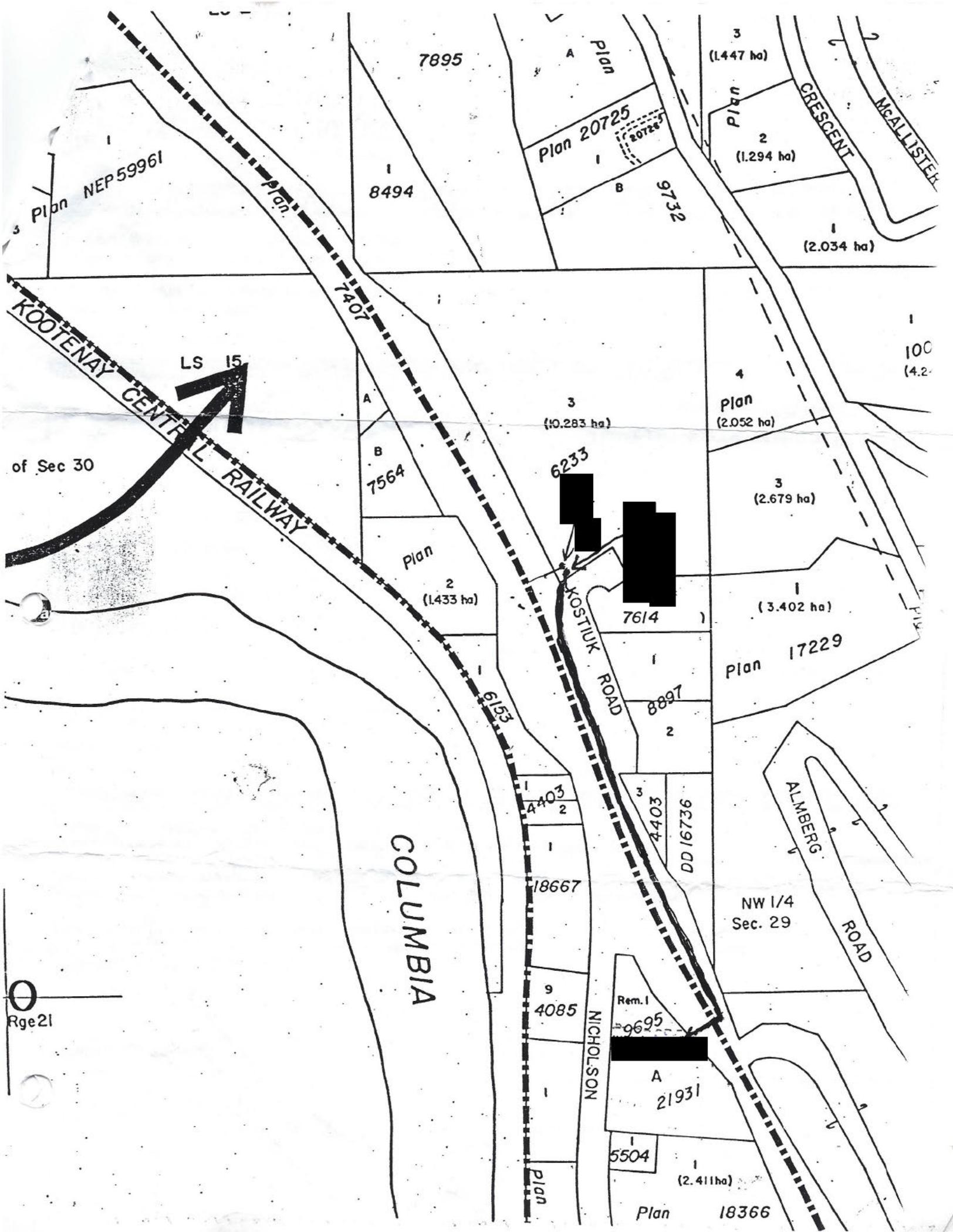
List Works

a) Diversion Works	Pump <input type="checkbox"/> or Gravity Feed <input checked="" type="checkbox"/>	Length of pipe into a river or lake measured from the high water mark: _____ ft
	Are any of the Works on Crown land? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Length of Works on Crown land: _____ ft
b) Storage Works	Do you require storage? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	If yes, complete and attach Schedule 2 - Dam & Reservoir Information List Storage Works: <u>125 gal [redacted] only</u>
c) Additional Information	Joint with another's Works? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	If yes, with whom? [redacted]
	Works constructed? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Partially <input type="checkbox"/>	A Joint Works Agreement is recommended if part or all of your proposed works will be shared with other water licence holder(s) Enclosed: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

#### Part 5. Other Lands Physically Affected by Works

Do the Works affect another person's private land? Yes  No  Landowner's Consent Form for private land affected  
 Do the Works affect Crown land? Yes  No  Enclosed: Yes  N/A  Could not obtain   
 (If yes, contact LWBC to determine appropriate authorization for occupying Crown land.)  
 If yes, legal description of land affected \_\_\_\_\_ Name of Owner(s) including Crown land tenure holders \_\_\_\_\_

NOTE: Make cheque or money order payable to Land & Water British Columbia Inc. A separate cheque or money order is required if applying for Crown land.



7895

Plan 20725  
(1.294 ha)

3  
(1.447 ha)

2  
(1.294 ha)

CRESCENT  
McALLISTER

1  
(2.034 ha)

8494

9732

100  
(4.2...)



KOOTENAY CENTRAL RAILWAY

of Sec 30

3  
(10.283 ha)

4  
Plan  
(2.052 ha)

7564

6233

3  
(2.679 ha)

Plan 2  
(1.433 ha)

7614

1  
(3.402 ha)

KOSTIUK ROAD

Plan 17229

6153

8897

ALMBERG ROAD

NW 1/4  
Sec. 29

4403

4403

DD 16736

18667

9  
4085

Rem. 1  
9695

A  
21931

5504

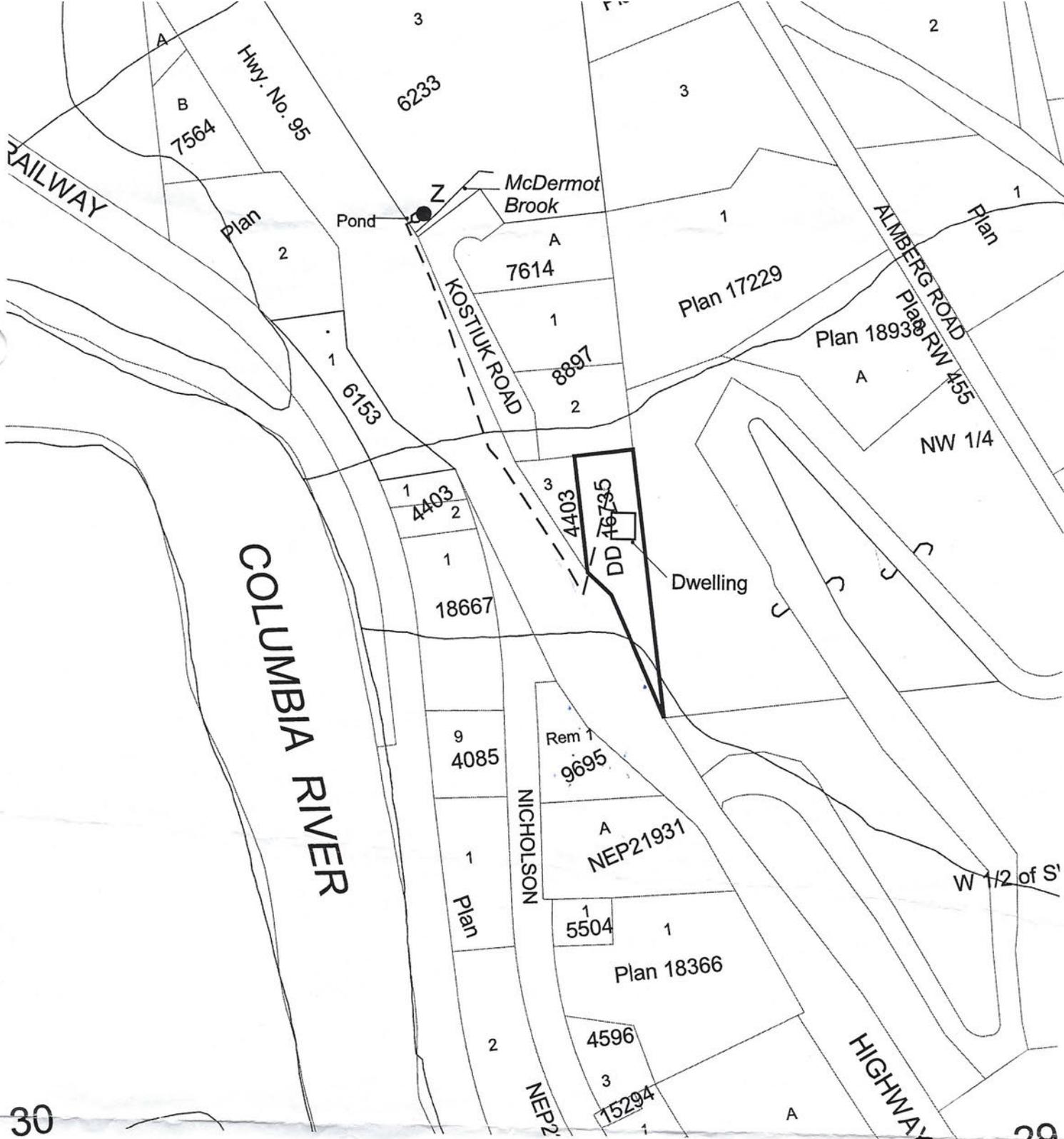
1  
(2.411 ha)

Plan 18366

COLUMBIA

NICHOLSON

Rge 21



WATER DISTRICT: GOLDEN  
 PRECINCT: GOLDEN  
 LAND DISTRICT: KOOTENAY

LEGEND  
 Scale: 1:5000  
 Point of Diversion: ●  
 Map Number: 82.N.026.3  
 Pipe: - - - - -

The boundaries of the land to which this licence is appurtenant are shown thus: **—————**

Signature.....*[Handwritten Signature]*

Date.....*Nov 1, 2002*

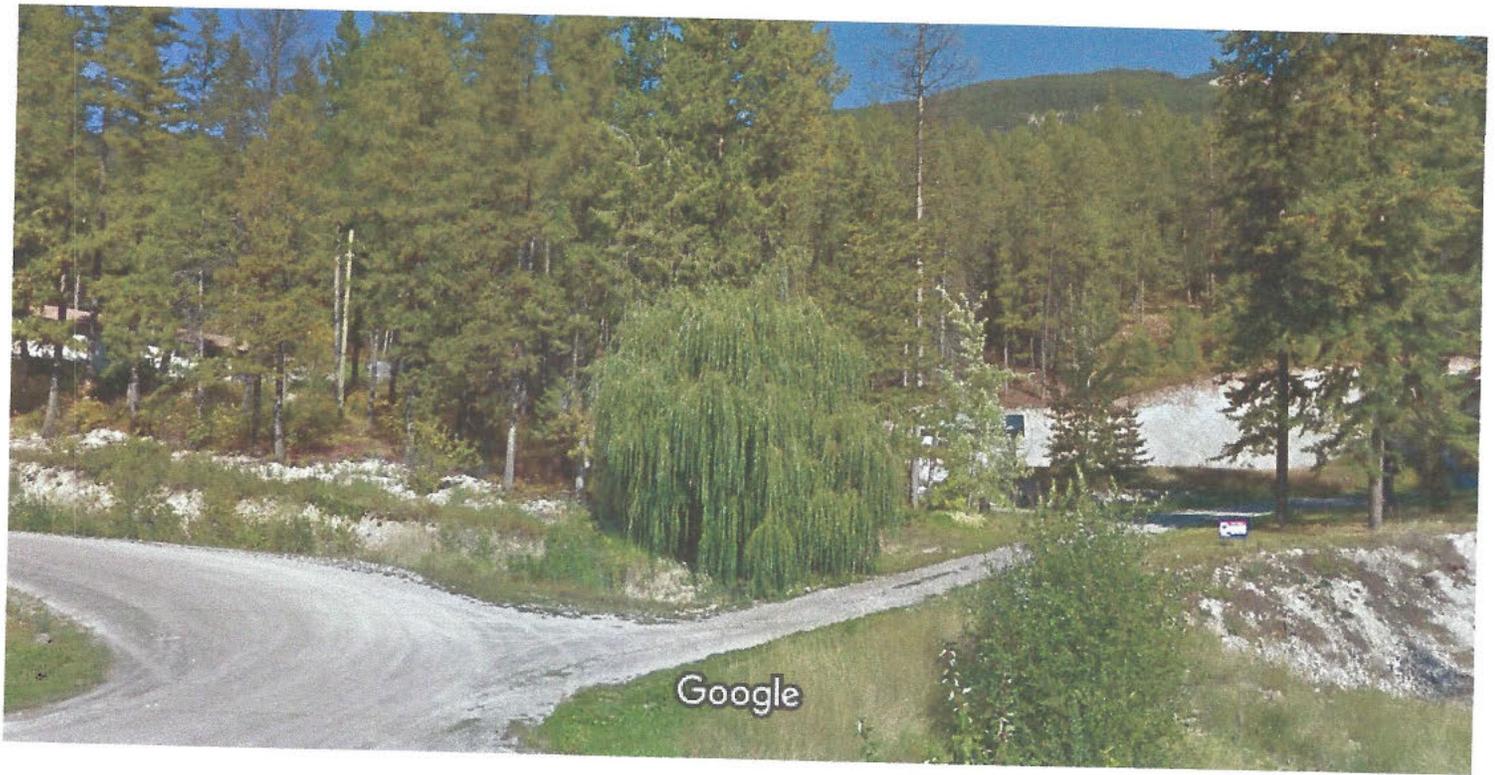
C.L. 117176 for C.L. 64831  
 File 4000636

**COPY**



BC-95

2012 water line of [redacted] put in our drive w/o permission



Golden, British Columbia

Image capture: Sep 2012 © 2017 Google

Street View - Sep 2012



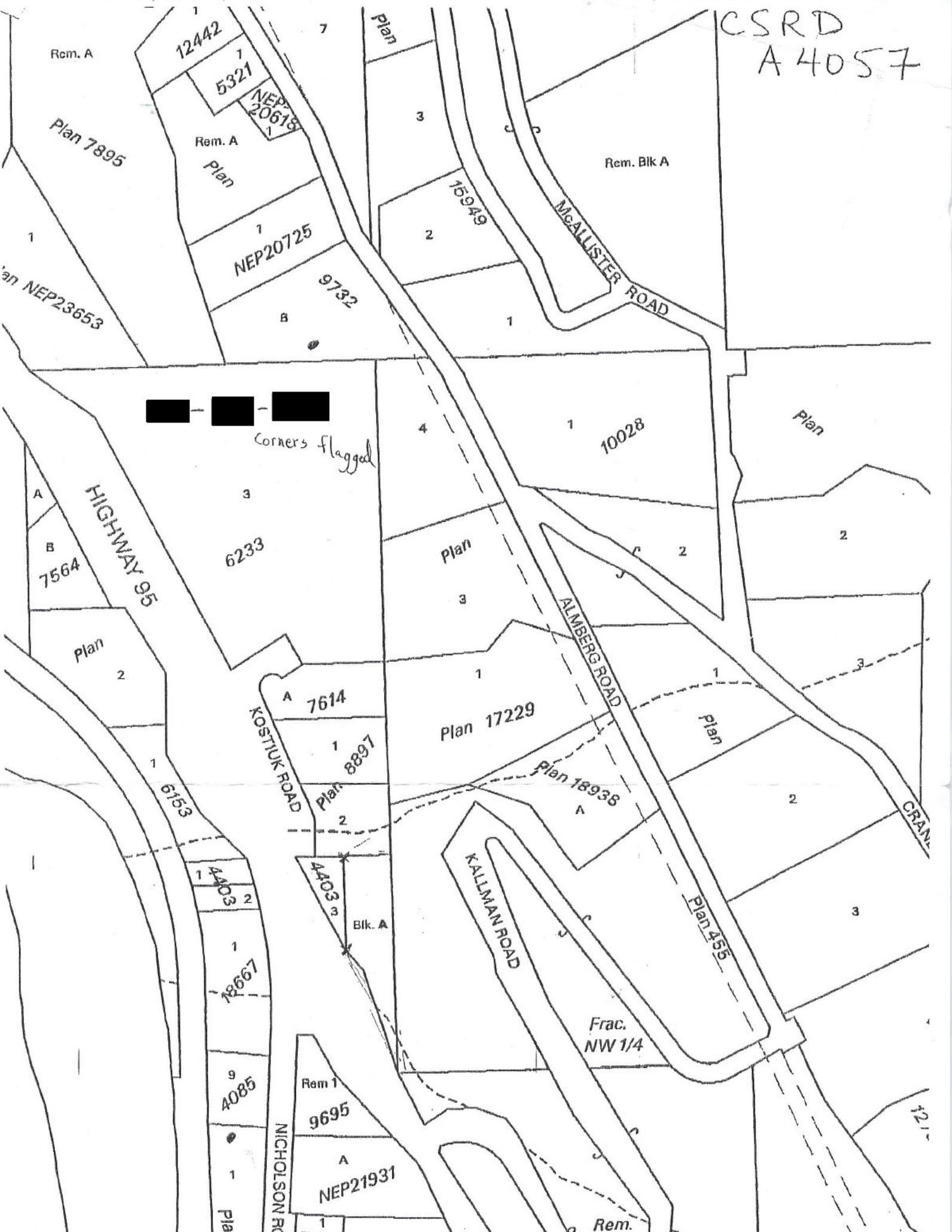
## Ken Gobeil

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**From:** [REDACTED]  
**Sent:** April 12, 2024 11:19 AM  
**To:** Ken Gobeil  
**Cc:** [REDACTED]  
**Subject:** DVP680-04A PL2023-056 ( part 2 letter)  
**Attachments:** CSRD A4057 map McDermot Spring dots.pdf; McDermot Brook [REDACTED] water licence.pdf; McDermot Brook map.pdf; McDermot Brook water licences.pdf; violations [REDACTED] and [REDACTED].pdf

Ken as per part 1 letter this is more attached documentation. I ask if you would please forward back to me the part 1 letter as it is missing from my sent file and want to ensure to have not duplicated information to you.  
Cheers, [REDACTED]

CSRD  
A 4057



Corners flagged

Rem. A

Rem. A

Rem. Blk A

Rem 1

Frac. NW 1/4

Rem.

12442

5321

NEP20618

15949

NEP20725

9732

10028

6233

7564

7614

8897

6153

44033

18667

4085

9695

NEP21931

Plan 7895

Plan

Plan

3

2

1

B

1

Plan

4

1

2

Plan

3

2

HIGHWAY 95

Plan

2

ALMBERG ROAD

Plan 17229

1

Plan

1

3

KOSTIUK ROAD

Plan

2

Plan 18938

2

CRANK

KALLMAN ROAD

Plan 455

3

NICHOLSON ROAD

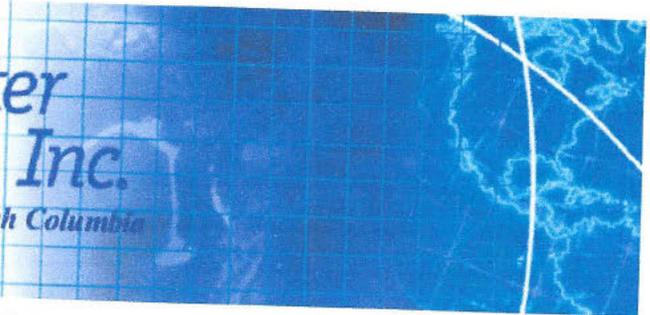
Plan

1

121



**Land and Water  
British Columbia Inc.**  
A corporation of the government of British Columbia



**Water Licences Report**

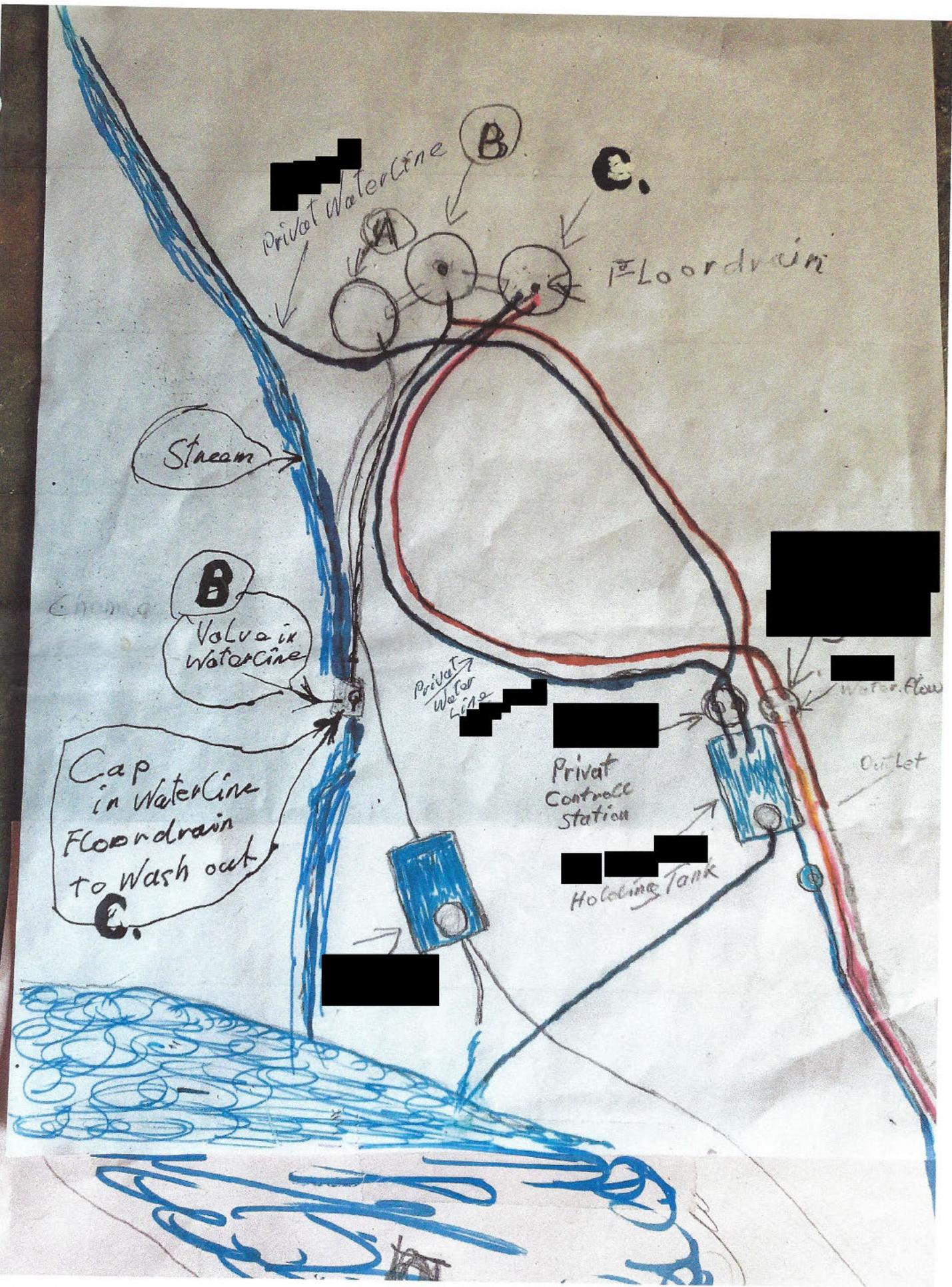
Scroll to bottom of page for unique count of licences and/or applications found in your search

<u>Licence No</u>	<u>WR Map/ Point Code</u>	<u>Stream Name</u>	<u>Purpose</u>	<u>Quantity</u>	<u>Units</u>	<u>Qty Flag</u>	<u>Rediv Flag</u>	<u>Licensee</u>	<u>Dist</u>
C114416	82.N.026.3 Y (PD24391)	McDermot Spring	Domestic	1000	GD	T	N	[REDACTED]	GOI

Total number of Licences and/or Applications found is 1

[New Query](#)

Use the **BACK** button on the browser to retain previous search criteria



Private Waterline (B)

(C)

Flood drain

Stream

(B)  
Valve in waterline

Cap in waterline  
Flood drain  
to wash out  
(C)

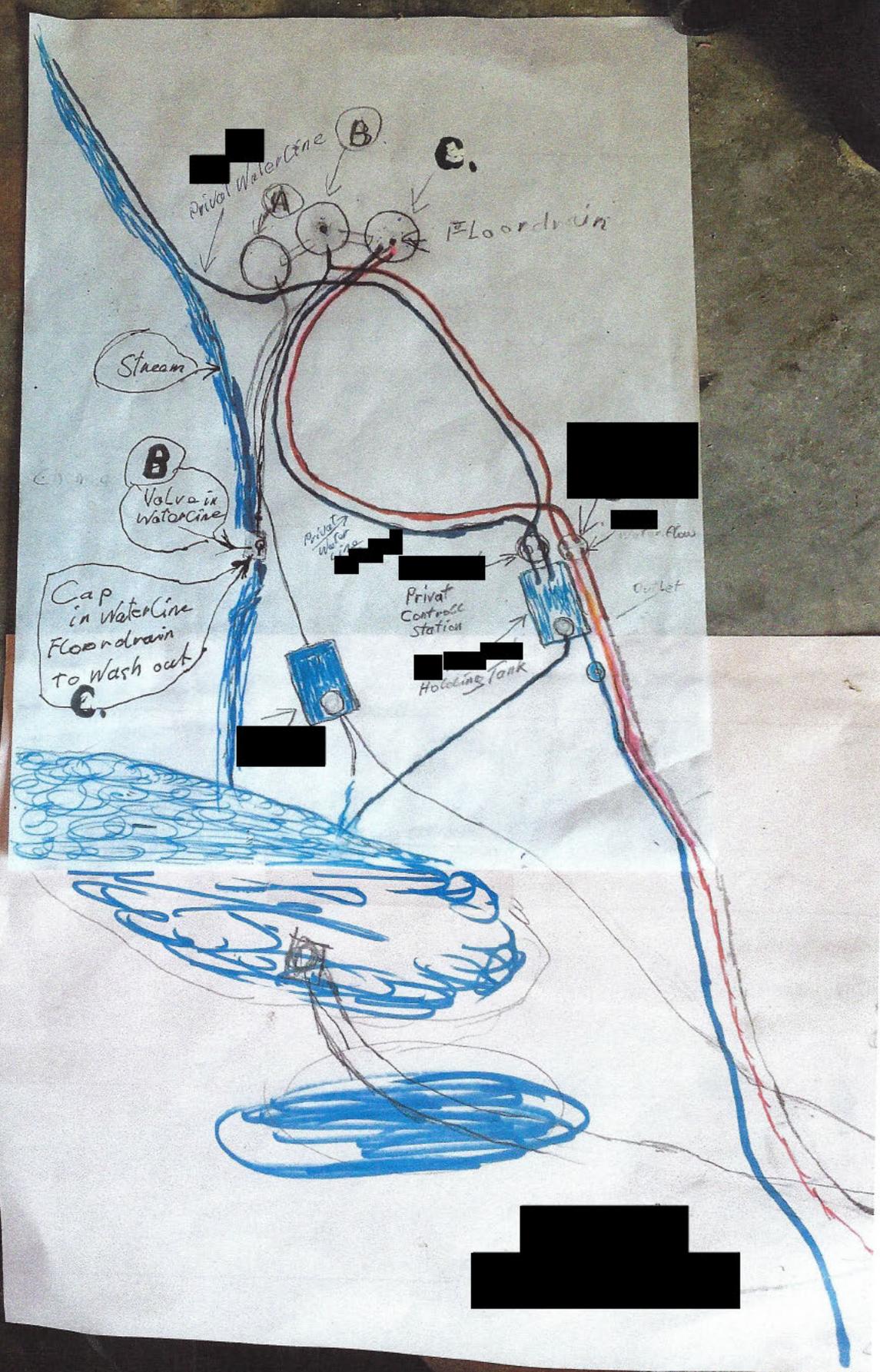
Private Waterline

Private Control Station

Holding Tank

Water flow

Out let



[REDACTED]	C117179	82.N.026.3 Z (PD24389)	McDermot Brook	Domestic	500	GD	T	N	CHOICE HOLDINGS LTD C/O [REDACTED]	1983 0824
	C117180	82.N.026.3 Z (PD24389)	McDermot Brook	Domestic	500	GD	T	N	[REDACTED] & [REDACTED]	1983 0411
	C117181	82.N.026.3 JJ (PD76750)	McDermot Brook	Domestic	2000	GD	T	N	[REDACTED]	1988 0309
[REDACTED]	C117182	82.N.026.3 Z (PD24389)	McDermot Brook	Domestic	500	GD	T	N	[REDACTED]	1982 1222
[REDACTED]	C117183	82.N.026.3 Z (PD24389)	McDermot Brook	Domestic	500	GD	T	N	[REDACTED]	1983 0824

Total number of Licences and/or Applications found is 8

[New Query](#)

Use the BACK button on the browser to retain previous search criteria





# Land and Water British Columbia Inc.

A corporation of the government of British Columbia

## Water Licences Report

Scroll to bottom of page for unique count of licences and/or applications found in your search

Licence No	WR Map/ Point Code	Stream Name	Purpose	Quantity	Units	Qty Flag	Rediv Flag	Licensee
C117176	82.N.026.3 Z (PD24389)	McDermot Brook	Domestic	500	GD	T	⑥ N	[Redacted] 1984 0419
C117177	82.N.026.3 Z (PD24389)	McDermot Brook	Domestic	500	GD	T	⑦ N	[Redacted] 1984 0.703
C117178	82.N.026.3 Z (PD24389)	McDermot Brook	Domestic	500	GD	T	① N	[Redacted] 1966 0429
"	"	McDermot Brook	Irrigation	.23	AF	T	① N	[Redacted] 966 0429
								GOLDEN DESIGNERS

Columbia extreme

Land and Water British Columbia Inc.  
1902 Theatre Road  
Cranbrook, BC  
V1C 7G1

May- August 2004

Regional Water Manager:

█ & █'s water license with Water file reference number 4004834.

Part 4 Works – Existing or proposed.

I would like to have it on record that the said parties █ and █ are violating by virtue of trespass onto an existing easement set up by Land Owner █, a lawyer and ourselves prior to any of the said works of file 4004834 being constructed.

█ had vacated his water lines prior to 1999; when we visited the site upon purchasing the property to which we are occupying presently.

Again, it is understood that █ is attempting to connect onto the same system of file 4004834 to support sale of his surrounding subdivisions, which I do not believe can support all.

I have made several phone calls to your department about their constant inadequate means to advise us about disturbing the water in this area. They progress much of the work on statutory holidays, Sunday and Mondays conveniently.

Noting all the new developments in this area would you please not consider allowing any permits onto this area of land.

Thank you,

█  
█  
█  
█

## Ken Gobeil

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**From:** Stephanie Hodge  
**Sent:** April 16, 2024 4:00 PM  
**To:** Ken Gobeil  
**Cc:** Planning Public Email address  
**Subject:** FW: subdivisions file #DVP680-04A

Stephanie Hodge  
Clerical Assistant  
Development Services  
Columbia Shuswap Regional District

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Tuesday, April 16, 2024 3:59 PM  
**To:** Planning Public Email address <Plan@csrd.bc.ca>  
**Subject:** Re: subdivisions file #DVP680-04A

Hi There Ken,

As per our discussion I have concerns over the subdivision and variance being added to existing easement. With unknown future ownership and access to my property of which easement runs through.

Adding multiple properties to existing easement with access is perhaps complicating my existing arrangements.

Please let me know what is discussed.

Thanks

[REDACTED] alMBERG rd Golden bc

[REDACTED]