



## ORDER

### SECTION 93 OF THE *WATER SUSTAINABILITY ACT*

**WHEREAS** The Regional District of Nanaimo, City of Parksville and Town of Qualicum Beach, are the holders of Conditional Water Licence (CWL) C134068;

CWL 134068 (October 26, 2017) authorizes the storage of 9,000,000 cubic metres per year in Arrowsmith Lake and the diversion and use of 7,000,000 cubic metres per year from Englishman River for waterworks purpose on all the lands within the boundaries of the Regional District of Nanaimo, City of Parksville and Town of Qualicum Beach.

Clause (l) of the licence states: "The licensee shall release adequate water from storage in Arrowsmith Lake during the period of June 1 to October 31 to fully support the diversion of water from the Englishman River for the waterworks purpose";

Clause (m) of the licence states: "The diversion of water authorized under this licence may be regulated at any time by an order in writing from the Water Manager under the *Water Sustainability Act* in order to maintain a minimum flow in the stream";

**AND WHEREAS** on January 2, 2008, an Order under Section 18 of the *Water Act* set out the Provisional Operation Rule (POR) for Arrowsmith Lake Reservoir;

Clause 3 of the POR Order states: "Between the period of June 1 and October 31 in any year, the flow releases shall be made from the Arrowsmith Lake Reservoir if the Englishman River flow is below 1.6 m<sup>3</sup>/sec, a flow release shall be made to maintain the flow in the Englishman River above 1.6 m<sup>3</sup>/sec at the Englishman River near Parksville (08HB002) hydrometric gauge. (Note – 1.6 m<sup>3</sup>/sec is a quantity greater than instream fish flow maintenance plus future maximum monthly water withdrawal demand)";

**AND WHEREAS** on June 20, 2023, an order by the Water Manager under Section 93(1)(c) of the *Water Sustainability Act* was issued to authorize a reduction of flow releases due to early drought conditions that resulted in earlier than normal depletion of snowpack, earlier than normal flow releases from the Arrowsmith Lake Reservoir Dam to achieve the 1.6 m<sup>3</sup>/sec flow requirement of the POR Order, and an elongated period of the Arrowsmith Lake Reservoir water volume being dependent on precipitation events;

**AND WHEREAS** on September 6, 2023, as a result of the continuation of persistent drought conditions and limited remaining supply of stored water in Arrowsmith Lake Reservoir, an application was made via email from the City of Parksville to the Ministry of Forests (Water Authorizations) to authorize further reduction of flows released from the Arrowsmith Lake Reservoir Dam in order to ration and extend flow releases from the Reservoir;

**AND WHEREAS** the Englishman River is designated as a Sensitive Stream under the *Water Sustainability Act* and anadromous salmonid species spawn in the Englishman River;

**AND WHEREAS** the licensees are implementing Stage 4 watering restrictions as per their bylaws;

**AND WHEREAS** the Ministry of Forests (Water Authorizations) does not oppose this reduction in order to manage flows through the conservation of the remaining available stored water in Arrowsmith Lake Reservoir.

**THEREFORE, Under Section 93(1)(c) of the *Water Sustainability Act*, I, Sean Staplin, Water Manager, HEREBY ORDER the holders of Conditional Water Licence C134068, the leave to release a minimum flow from Arrowsmith Lake Reservoir Dam to maintain a targeted minimum flow at the Englishman River near Parksville (08HB002) hydrometric gauge as per the following table for the period September 8, 2023 to October 31, 2023, or until further order of the Engineer.**

Date (2023)	Water Level at dam (m)	Minimum Arrowsmith Lake Reservoir Dam release rate	Target flow at Englishman River near Parksville (08HB002) hydrometric gauge
September 8	814.5	0.7 m <sup>3</sup> /s	0.8 m <sup>3</sup> /s
September 25	810.5	0.6 m <sup>3</sup> /s	0.7 m <sup>3</sup> /s
October 17	806.5	0.5 m <sup>3</sup> /s	0.6 m <sup>3</sup> /s

Dated at Nanaimo, British Columbia, this September 8, 2023.



**Sean Staplin**  
**Water Manager, under the**  
*Water Sustainability Act*