

Approved and ordered this 21st day of September, A.D. 19 65.

Lieutenant-Governor.

At the Executive Council Chamber, Victoria,

PRESENT:

The Honourable

in the Chair.

- Mr. Richter
- Mr. Williston
- Mr. Black
- Mr. Campbell
- Mr. Chant
- Mr.
- Mr.
- Mr.
- Mr.
- Mr.
- Mr.
- Mr.
- Mr.
- Mr.

To His Honour

The Lieutenant-Governor in Council:

The undersigned has the honour to report:

1529/89

AMN. o/c 342/79

THAT a petition has been presented by a number of owners of land near Okanagan Falls, British Columbia, praying that the tract of land hereinafter mentioned and the owners of land in the said tract be incorporated into an improvement district.

THAT the petitioners have complied with the requirements of the Water Act relative to such petitions.

THAT it appears in the public interest to grant the prayer of the said petitioners.

AND TO RECOMMEND:

THAT in accord with Section 53 of the Water Act, being Chapter 405 of the Revised Statutes of British Columbia, 1960, Letters Patent, in the terms of the Letters Patent herewith, be issued incorporating the tract of land therein described and the owners of land in the said tract into an improvement district under the name "Lower Nipit Improvement District" and with the rights, powers, privileges and obligations conferred and imposed on improvement districts under the said Act except as otherwise specified in the said Letters Patent.

DATED this 20th day of Sept. A.D. 1965.

Minister of Lands, Forests, and Water Resources.

APPROVED this 20th day of Sept. A.D. 1965.

Presiding Member of the Executive Council.


  
Lieutenant-Governor

CANADA:

PROVINCE OF BRITISH COLUMBIA

ELIZABETH the SECOND, by the Grace of God, of the United Kingdom,  
Canada and Her other Realms and Territories, Queen, Head of  
the Commonwealth, Defender of the Faith.

To all to whom these presents shall come - GREETING.

  
Minister of Lands, Forests, and  
Water Resources.

WHEREAS by section 53 of the  
"Water Act" it is provided  
that the Lieutenant-Governor  
in Council may incorporate a

tract of land and the owners thereof into an improvement district:

And whereas the Lieutenant-Governor in Council has, by Order  
in Council made pursuant to the said Act, been pleased to order  
that the tract of land hereinafter described and the owners there-  
of be incorporated into an improvement district under the said  
Act, and has made further provision to the tenor and effect here-  
inafter appearing:

Now know ye that by these presents We do hereby order and  
proclaim:-

1. The tract of land within Similkameen formerly Osoyoos Division  
of Yale Land District and Kamloops Land Registration District more  
particularly described as:

Lots 1 to 16 inclusive, Block 1 and Lots 1 to 7 inclusive,  
Block 2 of Lot 280 and Fractional West half of North-east  
Quarter of Section 36, Township 89, Plan 9937;

Lot 1 of Lot 280, Plan 10699;

Fractional West half of North-east Quarter of Section 36,  
Township 89 except Plan 9937.

and all subdivisions thereof and all owners of land therein are incorporated into an improvement district under the "Water Act" and subject to the provisions thereof and to the conditions hereinafter contained.

2. The improvement district shall be known as "Lower Nipit Improvement District."
3. The objects of the improvement district shall be the acquisition, maintenance, and operation of works for land improvement purpose and all matters incidental thereto.
4. There shall be three Trustees of the improvement district.
5. The persons qualified to vote at the first election of Trustees shall be Canadian citizens who are twenty-one years of age or older and are entitled to be registered as voters under the "Provincial Elections Act" and are owners of land in the tract of land hereinbefore described, and the persons qualified to be candidates at the election shall be persons qualified as aforesaid to vote and their wives and husbands.
6. Mr. Lyle Thomas Hewitson, 2581 Lauralynn Drive, North Vancouver, B.C., shall be Returning Officer for the first election of Trustees. He shall call a general meeting of the persons who are qualified as aforesaid to vote and shall, at least fourteen days before the date of the meeting, send to each of the said persons by registered mail a notice signed by him giving the date, time, and place of holding the meeting. The Returning Officer shall be chairman of the meeting, and subject to the provisions of clause 5 shall have power to determine whether or not any person who desires to vote is qualified to do so. He shall have power to determine the procedure to be followed at the meeting and the method of taking the votes. Each qualified voter shall be entitled

to cast one vote for each of three candidates. The Returning Officer shall declare the result of the election and shall notify the Comptroller of Water Rights of the said result.

7. The candidate elected as Trustee for whom the greatest number of votes is cast at the general meeting called pursuant to clause 6 hereof shall hold office until the annual general meeting of 1969, the candidate elected for whom the second greatest number of votes is cast shall hold office until the annual general meeting of 1968, and the candidate elected for whom the third greatest number of votes is cast shall hold office until the annual general meeting of 1967, but should there be nominated no more than three candidates for office of Trustee, or should any two or more candidates receive an equal number of votes, then the Returning Officer shall have power to and shall declare which of the candidates are elected and which shall hold office until the next, the second, and the third succeeding annual general meetings respectively.

8. All subsequent elections of Trustees shall be held at the annual general meetings of the improvement district, and it shall be the duty of the Trustees to call a general meeting to be held between January 1st and May 1st in each year, except 1966, for the following purposes:-

- (a) To receive from the Trustees a report on condition of the works and a statement of the financial condition of the improvement district:
- (b) To discuss with the Trustees any matter relating to the works or finances of the improvement district:
- (c) To fix the remuneration of the Trustees for the ensuing year:
- (d) To elect a Trustee to succeed the one whose term

of office expires coincident with the holding of such annual general meeting, and to elect a Trustee or Trustees to fill any other vacancy or vacancies that has or have occurred or is or are about to occur among the Trustees:

(3) To choose the auditor for the ensuing year.

A special general meeting may be called by the Trustees at any time for the purpose of electing a Trustee or Trustees to fill any vacancy or vacancies among the Trustees, or for the purpose of discussing with the owners any matter or matters which in the opinion of the Trustees should be brought up at a general meeting.

At least fourteen days' notice of every general meeting shall be given by registered letter setting out the date, time and place of holding the meeting.

The secretary shall enter in a book provided by the Trustees for this purpose minutes of all matters brought before the meeting and the action taken thereon. At any general meeting every person shall be qualified to vote who is a Canadian citizen and is twenty-one years old or older and is an owner of land in the improvement district, or the authorized agent of any board or corporation that is an owner of such land, or legal representative of any owner of such land who has died, become insolvent or insane, and is entitled to be registered as a voter under the "Provincial Elections Act." Every person qualified as aforesaid to vote and the wife or husband of any such person shall be qualified to be a candidate for Trustee of the improvement district. In the event of the right of any person to vote at any general meeting being challenged, the chairman shall have authority to determine whether or not such person is entitled to vote, and the chairman may require such person to make and file with

him a statutory declaration showing that the declarant is qualified as aforesaid to vote at such general meeting. Forthwith after the holding of a general meeting the Trustees shall file with the Comptroller of Water Rights a true copy of the minutes of such meeting and copies of all auditor's reports and financial statements presented or discussed at the meeting.

9. All words and phrases given special meaning in section 2 of the "Water Act" shall, where used herein, be ascribed the meaning given them in the said section unless the context otherwise requires.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent and the Great Seal of Our said Province to be hereunto affixed.

WITNESS, Major-General the Honourable GEORGE RANDOLPH PEARKES, V.C., P.C., C.B., D.S.O., M.C., Lieutenant-Governor of Our said Province, in Our City of Victoria, this 21st day of September, in the year of our Lord one thousand nine hundred and sixty-five, and in the fourteenth year of Our Reign.

By Command:



  
Provincial Secretary