

Twin Lakes residents wonder who will be to blame if the lake dries up

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Twin Lakes residents concerned about a planned subdivision at Twin Lakes Golf Course are seeking answers to future responsibility regarding water issues surrounding the project.

Letters and emails have been written in recent weeks to the Ministry of Transportation and Infrastructure, as well as the Regional District Okanagan - Similkameen by several Twin Lakes residents who are concerned that the development will have a detrimental affect on water levels in the Twin Lakes aquifer. They feel that more study needs to be done before any large scale development takes place and - based upon the limited knowledge currently available - are seeking an answer as to which governing body would be liable should their fears come true in future years.

Residents are feeling frustrated these days as the replies to their queries seem to have them going in circles. An email sent to Ministry of Transportation and Infrastructure Approving Officer Bill Sparkes by Dave Wheatley of Twin Lakes asking who would be responsible should development has yet to receive a reply, but at a meeting in November involving Sparkes, LNID member Coral Brown, and others, the residents discovered proof of water was the responsibility of the RDOS. There are no legislative controls for groundwater, however, which is what the group is interested in protecting.

Another email dispatched to regional district Director Bill Schwarz was forwarded by him to CAO Bill Newell. In it, Wheatley again asked who would be responsible in a future scenario of a failed aquifer due to excessive development.

Newell responded by saying, among other things, that "Proof of water is a requirement for a subdivision. The Subdivision Proving Authority in the regional district is the Province of British Columbia."

Which would be the Ministry of Transportation and Infrastructure.

Speaking with Approving Officer Sparkes, the Review was told that responsibility for proof of water lay with the regional district, as outlined in the RDOS' subdivision servicing bylaw. A reply to a communication sent to Regional District CAO Bill Newell regarding the apparent contradiction resulted in this reply:

"A developer has to prove water for his development as a condition of subdivision. The Province is the subdivision approving authority for the regional district.

Once a subdivision is approved and appropriate zoning is in place, the developer is responsible for construction of services and he would determine methodology for water treatment / distribution and waste water treatment / collection. He would have to do this in accordance with legislation.

The Twin Lakes development already has appropriate zoning and is in the process of subdivision. The developer has expressed an interest in turning over the utility systems to RDOS once constructed. The request has yet to be formalized and will go to the board of directors once received.”

Is the issue here one in which the residents of Twin Lakes are asking a question of the regional district and the province to which there is no legislation or RDOS bylaw that says the aquifer must be reviewed as part of “proof of water”?

It appears, upon reading the RDOS subdivision servicing bylaw, that there is no requirement in legislation to guarantee aquifer sustainability, which seems to be what the residents of Twin Lakes are seeking an answer to. If that is the case, then it would appear that, under current legislation, the Twin Lakes development has met the requirements.

All of which is cold comfort to the concerned citizens of Twin Lakes, many of who feel that there is ample evidence of potential problems with the aquifer down the road should large scale development be allowed to take place.

“We need the proof of water to be (based on) aquifer capacity,” said Coral Brown, of the Lower Nipit Irrigation District. “But that is a strange request when made to the regional district, the Ministry of Environment, or the Ministry of Transportation and Infrastructure. The Okanagan Basin Water Board (OBWB) understands fully.”

It could be that Twin Lakes residents are caught in a case of outdated or incomplete legislation - that needs to catch up in a hurry - to the problems of today as well as potential ones down the road.