

**GETTING CURRENT
WITH THE CURRENT:**

**2019 RESEARCH-A-
THON STUDENT
RESEARCH GUIDE**

PRESENTED BY THE UVIC
ENVIRONMENTAL LAW CLUB IN
PARTNERSHIP WITH THE
INDIGENOUS LAW RESEARCH UNIT
AND THE ENVIRONMENTAL LAW
CENTRE

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- The Secwepemc Nation, upon whose traditional and unceded land Thompson Rivers University is located (ne Secwepemcúl'ecw).

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Event panelists:

- Deborah Curran (Environmental Law Centre)
- Chief Harvey McLeod (Upper Nicola Band)
- Chief Aaron Sumexheltza (Lower Nicola Indian Band)

Sponsors of the 2019 Research-a-Thon:

- Diana M. Priestly Law Library Services
- UVic Environmental Law Club
- Environmental Law Centre
- Valhalla Pure Outfitters
- David's Tea
- Root Cellar Village Green Grocer
- Discovery Coffee
- Market on Yates
- Ocean River Sports
- CineVic Independent Filmmakers Society

DEFINITIONS

Canadian Law	Common and statutory law advanced by federal and provincial courts or legislatures as provided for under the <i>Constitution Act</i> , 1867.
Indigenous Law	Laws held and practiced by Indigenous communities as part of their governance within traditional territories.
Watershed	The land on which precipitation falls from the atmosphere and moves downslope to other locations.

INTRODUCTION

RESEARCH-A-THON

The Research-a-Thon is a one-day event with a simple goal: harness the collective energy of a large numbers of students in a short period of time to generate high-quality research that supports public interest environmental law in British Columbia (BC).

The event is planned by and for students and supports broad goals of increasing capacity for public interest environmental legal research and equipping Indigenous nations, environmental non-profit organizations (ENGOS), practitioners and the public with accessible information about the historical development and current state of environmental law in BC.

This year, the Environmental Law Club is proud to partner with the Environmental Law Centre and the Indigenous Law Research Unit to provide a transsystemic approach to legal research. Students participating in this year's Research-a-Thon have the opportunity to engage with both Canadian and Indigenous research methodologies.

GETTING CURRENT WITH THE CURRENT: PROJECT BACKGROUND

Provincial Water Law

“Originating in the Wild West era or the “cowboy throughput economy” of plentiful water at a time when one of the primarily policy motivators was to blanket the landscape with settlers, the skeleton and much of the muscle of the original water management regime remains intact today. [...] As one would expect, these legal artifacts and the principles upon which they are based are showing signs of wear and tear in a modern era where natural resources are not as plentiful and conflicts over water use are on the rise.”

- Curran, D. (2017). “Leaks in the System”, pp. 236-238.

Nicola Watershed

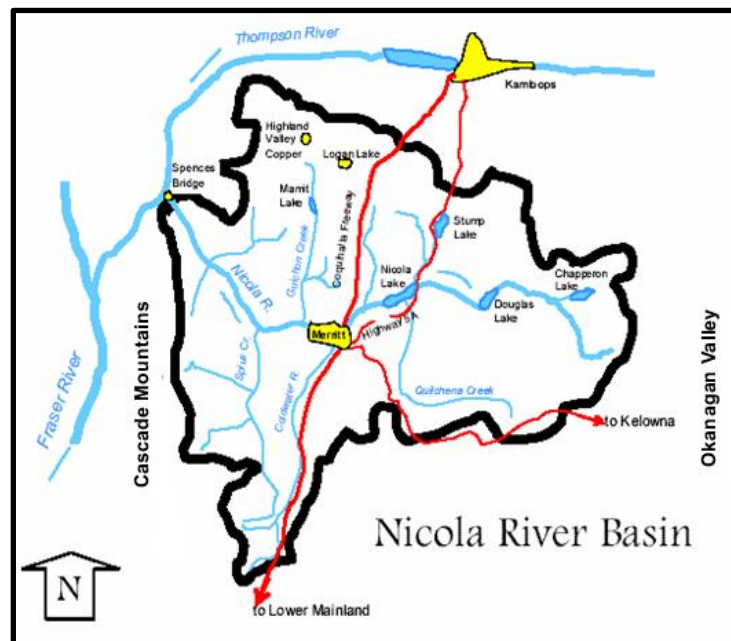


Fig. 1 - Nicola Watershed¹

Since time immemorial, the Syilx Nation and Nicola Bands have governed the region that is known today as the Nicola watershed through their legal traditions and have stewarded the land and resources.

Today, the Nicola Watershed faces complex water management challenges. Rapid population, agricultural and industry growth over the past twenty years have resulted in

¹ Nicola Watershed Community Round Table. (n.d.) Retrieved from <https://nwcr.ca/nicola-water-use-management-plan>

increasing pressures on the availability and timing of water supplies.² About 60 percent of the surface water in the Nicola Watershed is diverted annually. In 2004, the Nicola Watershed was named the most endangered watershed in BC because of the risk to fish from low water levels.

In recognition of the need for coordinated sustainable water management, in March 2018 the Province of British Columbia and the The Upper Nicola Band of the Okanagan (Syilx) Nation, the Lower Nicola, Coldwater, Nooaitch and Shackan Bands of the Nlaka'pamux Nation, collectively the Nicola Bands, signed the Nicola Watershed Pilot Memorandum of Understanding (MOU). The MOU is an agreement between governments to work together towards sustainable water governance.

RESEARCH OBJECTIVES

Research questions guiding the 2019 Research-a-Thon are:

- How has provincial water law in BC evolved over time?
- How has provincial water law been applied to the Nicola Watershed?
- What is the nature of the legal relationship between the Syilx and Nlaka'pamux peoples and the Nicola Watershed? What processes, principles, rights, and obligations pertain to this relationship?
- How have Indigenous legal orders and Canadian water law interacted in the Nicola Watershed?

RESEARCH OUTCOMES

Research conducted by students at the Research-a-thon event will contribute to the following outcomes:

- Publicly available report containing:
 - Overview of legislative history of water law in British Columbia
 - Timeline of the history of provincial water law in British Columbia
- Visualization of how provincial water law has been applied over time in the Nicola Valley region (eg. water licenses, cases), overlaid with indigenous land use and relationship with the watershed.
- A catalogue of stories and resources that articulate Syilx and Nlaka'pamux laws and relationship with water and the Nicola Watershed

² Citizens of the Nicola Watershed. (2010). Nicola Water Use Management Plan. Retrieved from https://www.psf.ca/sites/default/files/Final_-_Nicola_WUMP_March_2010.pdf

BEFORE YOUR SHIFT

REQUIRED STEPS

- Attend mandatory Indigenous legal research training session February 6th (12:30-1:30) (UVic students only)
- Sign up for one or more shifts [here](#)

RECOMMENDED BACKGROUND READING

- Curran, D. (2017). Leaks in the system: Environmental flows, Aboriginal rights, and the modernization imperative for water law in British Columbia. Available from <https://dspace.library.uvic.ca/handle/1828/9182>
- Memorandum of Understanding for water governance in Nicola Watershed: <https://poliswaterproject.org/2018/05/11/nicola-watershed-governance/>
- Syilx/Okanagan Nation community profile: <https://www.syilx.org/about-us/syilx-nation/>
- Nicola Bands (link contains community profiles for all communities in region): <https://lnib.net/wp-content/uploads/2015/07/LNIB-Community-Profile-Oct-2015.pdf>

DURING YOUR SHIFT

REQUIRED STEPS (ALL RESEARCH FOCUS AREAS)

1. Check in at the start of your shift with one of the event organizers to sign in and receive your research question(s)
2. Complete your research question(s) by following the steps for your research focus area (below)
3. Save each research question as a separate file in the appropriate [Google Drive folder](#) (organized by research focus area) with the following file name:
ResearchTaskNumber-YourLastName-BriefDescription
eg. “1(A)(1)-Brown-1981”
“2(A)(4)-Grant-Qwa’qtqwet!”
4. Check in with another student and/or event organizer to check that your citations are correctly formatted before you leave ***important!***
5. Check in with an event organizer to confirm completion of your research question(s) and check that your file is saved to the right folder

Event organizers and librarians will be available to help answer research questions. This is a learning opportunity for you- don't be afraid to ask questions!

RESEARCH TASKS

Use this section when: you have your research task number and you are ready to start!

Research questions are organized by focus area. Navigate to your focus area for instructions on how to complete research for your task.

RESEARCH FOCUS AREA 1: CANADIAN LEGAL RESEARCH

1(A) CANADIAN LAW: PROVINCIAL LEGISLATIVE HISTORY

1(A) Research Instructions

For each research task:

- Record the following information on your Google Doc (see “During Your Shift” above for document naming instructions):
 - Name of Legislation (McGill citation style)
 - Date of legislative change (note whether this is the date it came into force or the date the amendment was passed by the Legislature)
 - 1-2 sentence summary of the main point: what was the nature of the change? What was the significance of the change to water law generally?
- Save your work with the appropriate name and complete check-out steps (see “During your Shift” above)

Note: All sources you use should be cited in McGill citation style, including the primary legislative resource and any reports/articles/theses used that provided a perspective on this legislative change.

Note: There are many amendments to research in this section. Research entries should be **brief!**

Research Resources

- [BC Laws](#)
- [HeinOnline](#)

Research Tasks

1(A)(0.1) Gold Fields Act (OPBC)

- first legislation in BC to provide for statutory water allocation.
- See Appendix: Matsui, Kenichi. *Native Peoples and Water Rights : Irrigation, Dams, and the Law in Western Canada*, McGill-Queen's University Press, 2009. ProQuest Ebook Central, <http://ebookcentral.proquest.com/lib/uvic/detail.action?docID=3332052>.
- **Rules and Regulations for the Working of Gold Mines issued in conformity with**

the **Gold Fields Act**. see Appendix: Matsui, Kenichi. *Native Peoples and Water Rights*.

1(A)(0.2) 1865 Water Privileges Act

- establishes right to use water in a stream is vested in the Crown.

1(A)(0.3) 1867 An Ordinance to amend the Laws relating to Gold Mining (OPBC, 30 Vict., c.123)

- The period of water use for any owner of a ditch is extended to a maximum of 5 years.

1(A)(0.4) 1870 Land Ordinance (OPBC, 22 Vict., no.144)

- see Appendix: Matsui, Kenichi. *Native Peoples and Water Rights*

1(A)(0.5) 1875 Land Act SBC, 38 Vict., c.98

- see Appendix: Matsui, Kenichi. *Native Peoples and Water Rights*

1(A)(0.6) 1888 Land Act SBC, 51 Vict., c.10

- see Appendix: Matsui, Kenichi. *Native Peoples and Water Rights*

1(A)(0.7) 1892 Water Privileges Act SBC, 55 Vict., c.47

- Date according to Masuri's appendix, however a Province timeline says 1865-1897?
- see Appendix: Matsui, Kenichi. *Native Peoples and Water Rights*

1(A)(0.8) 1897 Water Clauses Consolidation Act SBC, 61 Vict., c.190

- see Appendix: Matsui, Kenichi. *Native Peoples and Water Rights*

1(A)(1) Water Act SBC 1909 c 48

- empowered a Board of Investigation over a ten-year period to adjudicate water allocations and claims across the province to bring all water takings under one set of allocation rules and determine priority of licences
- see Appendix: Matsui, Kenichi. *Native Peoples and Water Rights*

1(A)(2) Water Act (Amendment) SBC 1910 c 52

- 10 March

1(A)(3) Water (Amendment) SBC 1911 c 59

- 1 March

1(A)(4) Water (Amendment) SBC 1912 c 49

- 27 February
- see Appendix: Matsui, Kenichi. *Native Peoples and Water Rights*

Railway Belt Water Act SC, 2 Geo. 5, c.47

- is this the same as the amendment before? see Appendix: Matsui, Kenichi. *Native Peoples and Water Rights*

1(A)(5) Water (Amendment) SBC 1913 c 82

- 1 March
- **Railway Belt Water Act SC, 3-4 Geo. 5, c.45**

- Is this the same as the amendment before?

- see Appendix: Matsui, Kenichi. *Native Peoples and Water Rights*

1(A)(6) Act Respecting Water and Water Power (Water Act) SBC 1914 c 81

- section 302 repeals the Water Act RSBC 1911 c 239 and amendments. All licenses, permits, certificates, other instruments to be made subject to this Act

1(A)(6.1) Water Act amendment 1916

- abrogates any riparian right to divert and use and flow of water in a stream except for domestic purpose.

1(A)(7) An Act to amend the "Water Act, 1914" SBC 1917 c 75

- assented to 19 May
- 1(A)(8) An Act to amend the “Water Act, 1914” SBC 1918 c 98**
 - assented to 23 April
- 1(A)(9) An Act to amend the “Water Act, 1914” SBC 1919 c 90**
 - assented to 29 March
- 1(A)(10) An Act to amend the “Water Act, 1914” SBC 1920 c 102**
 - assented to 17 April
 - repeals and replaces sections 172 to 287 - provisions on “improvement districts”: enables establishment of improvement districts to provide water services for communities
 - section 287A Conservation Fund
- 1(A)(11) An Act to amend the “Water Act, 1914” SBC 1921 c 72**
 - assented to 21 March
- 1(A)(12) Indian Water Claims Act SBC 1921 c 19**
 - assented to 3 December
 - creates Board that can hear and determine any “Indian water claim” notwithstanding the Water Act
 - licenses under this Act are subject to Water Act
 - see Appendix: Matsui, Kenichi. *Native Peoples and Water Rights*
- 1(A)(13) An Act to amend the “Water Act, 1914” SBC 1922 c 83**
 - assented to 16 December
 - taxing leases
- 1(A)(14) An Act to amend the “Water Act, 1914” SBC 1923 c 74**
 - assented to 21 December
- 1(A)(15) Water Act RSBC 1924 c 271**
 - revision, consolidation
- 1(A)(16) Water Act Amendment Act SBC 1925 c 61**
 - assented to 19 December
- 1(A)(17) Bridge River Water License Act SBC 1925 c 6**
 - assented to 19 December
 - authorizes storage/diversion of water from Bridge River for electrical power generation
- 1(A)(18) Railway Belt Water Act RSBC 1927 c 211**
- 1(A)(19) Water Act Amendment Act SBC 1928 c 55**
 - assented to 14 March
- 1(A)(20) Water Act Amendment Act SBC 1930 c 75**
 - assented to 25 March
- 1(A)(21) Water Act Amendment Act SBC 1931 c 68**
 - assented to 1 April
- 1(A)(22) Water Act Amendment Act SBC 1933 c 74**
 - assented to 7 April
- 1(A)(23) Water Act Amendment Act SBC 1934 c 69**
 - assented to 29 March
- 1(A)(24) Water Act Amendment Act SBC 1936 c 65**
 - assented to 1 April
- 1(A)(25) Water Act Amendment Act SBC 1938 c 65**
 - assented to 9 December
- 1(A)(26) An Act respecting the Diversion and Use of Water (Water Act) SBC 1939 c**

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- assented to 30 November
- repeals and replaces former Water Act
- Board of Investigation dissolved, and much detail of the Act transferred into Regulations

1(A)(27) Water Act, 1939 Amendment Act SBC 1940 c 57

- assented to 6 December

1(A)(28) Water Act, 1939 Amendment Act SBC 1944 c 56

- assented to 15 March
- greater Vancouver Water District

1(A)(29) Water Act, 1939 Amendment Act SBC 1945 c 78

- assented to 28 March

1(A)(30) Water Act, 1939 Amendment Act SBC 1947 c 97

- assented to 3 April

1(A)(31) Water Act, 1939 Amendment Act SBC 1948 c 104

- assented to 28 April
- requires that applications for water authorizations be referred to Minister of recreation and Conservation. Minister may object and appeal decision.

1(A)(32) Water Act Amendment Act SBC 1949 c 69

- assented to 24 March

1(A)(33) Water Act Amendment Act SBC 1951 c 88

- assented to 18 April

1(A)(34) Water Act Amendment Act SBC 1953 c 38

- assented to 17 October

1(A)(35) Water Act Amendment Act SBC 1954 c 52

- assented to 14 April

1(A)(36) Water Act Amendment Act SBC 1960 c 60

- assented to 18 March
- abolishes right to divert by prescription
- enacts provisions on groundwater
- Revision of statutes – *Water Act* RSBC 1960 c 405

1(A)(37) Water Act Amendment Act SBC 1961 c 65

- assented to 27 March
- Does this relate to events? → BC Hydro and Power Authority established as new Crown corporation. Development of ambitious hydroelectric projects including WAC Bennett Dam continues.

1(A)(38) Water Act Amendment Act SBC 1962 c 68

- assented to 29 March

1(A)(39) Water Act Amendment Act SBC 1965 c 28

- assented to 26 March

1(A)(40) Water Act Amendment Act SBC 1966 c 54

- assented to 1 April

1(A)(41) Statute Law Amendment Act SBC 1968 c 53

- s 27 adds definition of municipality

1(A)(42) An Act to Amend the Water Act SBC 1971 c 68

- assented to 2 April

1(A)(43) Water Utilities Act SBC 1973 c 91

- assented to 18 April

- 1(A)(44) Energy Act SBC 1973 c 29**
 - s 191 repeals s 1 of the *Water Act* RSBC 1960 c 405
- 1(A)(45) Statute Law Amendment Act SBC 1974 c 87**
 - s 40 amends s 7(1)(a)
- 1(A)(46) Statute Law Amendment Act n 2 SBC 1974 c 114**
 - s 18 amends s 59(1)(f) *Water Act*
- 1(A)(47) Miscellaneous Statutes Amendments SBC 1975 c 43**
 - s 14 amends s 59 *Water Act*
- 1(A)(48) Water Amendment Act SBC 1976 c 56**
 - assented to 30 June
 - offences and fines
- 1(A)(49) Water Act RSBC 1979 c 429**
 - consolidation
 - provisions on improvement districts moved from *Water Act* to *Municipal Act* (see Commissioner's preface p iii)
- 1(A)(50) Ministry of Agriculture and Food Act SBC 1980 c 29**
 - assented to 22 August
 - s 13 amends section 8(2) *Water Act* to refer to the new ministry
- 1(A)(51) Environment Management Act SBC 1981 c 14**
 - assented to 7 July
 - s 18 repeals and replaces s 38(1) *Water Act* on appeals
 - Environmental Appeal Board established under Environment Management Act to hear appeals under *Water Act* and other environmental legislation.
- 1(A)(52) Miscellaneous Statutes Amendment No 1 SBC 1981 c 20**
 - assented to 7 July
 - ss 69 - 79 amend the *Water Act*
- 1(A)(53) Court of Appeal Act SBC 1982 c 7**
 - assented to 7 June
 - ss 113 and 114 amend appeal provisions of *Water Act*
- 1(A)(54) Land Title Amendment Act SBC 1982 c 60**
 - assented to 29 July
 - s 121 amends s 26 *Water Act*
- 1(A)(55) Miscellaneous Statutes Amendment No 2 SBC 1982 c 72**
 - s 25 amends s 9(1) *Water Act*
- 1(A)(56) Regulations Act SBC 1983 c 10**
 - assented to 23 September
 - s 20 amends s 3 *Water Act* – “by regulation”
- 1(A)(57) Miscellaneous Statutes Amendment SBC 1985 c 13**
 - ss 15 – 17 remove “water recorder”
- 1(A)(58) Miscellaneous Statutes Amendment No 1 SBC 1986 c 15**
 - ss 35 and 36
- 1(A)(59) Expropriation Act SBC 1987 c 23**
 - assented to 26 June
 - s 127 amends s 46(c) *Water Act* - “Expropriation Compensation Board”
- 1(A)(60) Miscellaneous Statutes Amendment No 2 SBC 1987 c 43**
 - ss 103-109
 - removes “fluming”, adds “regional water manager”
- 1(A)(61) Environment Statutes Amendment Act SBC 1989 c 25**

- assented to 28 June
- ss 3 - 6

1(A)(62) Supreme Court Act SBC 1989 c 40

- assented to 28 June
- s 209

1(A)(63) Environment, Lands and Parks Statutes Amendment Act SBC 1993 c 13

- assented to 18 June
- s 17

1(A)(64) Water Protection Act SBC 1995 c 34

- assented to 21 June
- prohibits bulk water removals from the province as well as major inter-basin transfers.

1(A)(65) Columbia Basin Trust Act SBC 1995 c 49

- s 32

Water Act RSBC 1996 c 483

1(A)(66) 1996: Consolidated revision

1(A)(67) 1997:

- amendment to section 1. 1997-21-17 (amended by 2001-9-56 effective November 2004 BC Reg 299/04)
- enactment of sections 22.1 – 22.4. 1997-21-18 (repealed 2001-9-57 effective 2004 BC Reg 299/04)
- amendment of section 39. 1997-21-20 (repealed 2001-9-58 to 60 effective 2004 BC Reg 299/04)
- amendment of section 46. 1997-21-24 (re-enacted by 2001-9-63 effective 2004 BC Reg 299/04; repealed 2001-9-64 effective 2004 BC Reg 299/04)
- 28 July - by Royal Assent
 - amendment of section 1. 1997-18-23 (Royal Assent 28 July 1997)
 - re-enactment of section 40. 1997-18-24 (Royal Assent 28 July 1997)
 - amendment of section 46. 1997-18-25 (Royal Assent 28 July 1997)
- 1 August - BC Reg 284/97 came into force
 - amendment of section 7. 1997-5-13 (BC Reg 284/97)

1(A)(67.1) Fish Protection Act SBC 1997 c 21: brought in to strengthen protection of fish and fish habitat. Title changed to *Riparian Areas Protection Act* by the *Water Sustainability Act*, SBC 2014, c 15, s 162, effective February 29, 2016 (B.C. Reg. 35/2016)

1(A)(68) 1998: amendments to **Water Act RSBC 1996 c 483**

- 12 March - BC Reg 62/98 came into force
 - amendment of section 41. 1997-21-22 (BC Reg 62/98)
 - enactment of section 41.1. 1997-21-23 (BC Reg 62/98)
 - enactment of section 41.2. 1997-21-23 (BC Reg 62/98)
- 23 September - BC Reg 311/98 came into force
 - amendment of section 50. 1998-34-317 (BC Reg 311/98)

1(A)(69) 1999: amendments to **Water Act RSBC 1996 c 483**

- 29 June – by Royal Assent
 - amendment of section 41.2. 1999-24-34 (Royal Assent 29 June 1999)
- 28 September - BC Reg 301/99 came into force
 - amendment of section 9. 1999-37-329 (BC Reg 301/99)

1(A)(70) 2000: amendments to **Water Act RSBC 1996 c 483**

- 11 February – BC Reg 45/00 came into force
 - re-enactment of section 10. 1999-49-1 (BC Reg 45/00)
 - enactment of section 12.1. 1999-49-2 (BC Reg 45/00)
 - enactment of section 22.01. 1999-49-3 (BC Reg 45/00)
 - amendment of section 23. 1999-49-4 (BC Reg 45/00)
 - amendment of section 26. 1999-49-5 (BC Reg 45/00)
 - amendment of section 41. 1999-49-6 (BC Reg 45/00)
 - amendment of section 46. 1999-49-7 (BC Reg 45/00)
 - re-enactment of section 48. 1999-49-8 (BC Reg 45/00)
- 28 April – BC Reg 137/00 came into force
 - enactment of section 44.1. 1999-2-66 (BC Reg 137/00)
- 12 June – by Royal Assent
 - amendment of section 1. 2000-7-191, Sch (Royal Assent 12 June 2000)
 - amendment of section 9. 2000-7-191, Sch (Royal Assent 12 June 2000)
 - amendment of section 50. 2000-7-191, Sch (Royal Assent 12 June 2000)

1(A)(71) Drinking Water Protection Act SBC 2001 c 9

- enacted to ensure provision of safe drinking water.

1(A)(72) 2002: amendments to *Water Act RSBC 1996 c 483*

- amendment of section 21 and 22. 2002-18-17 (repealed 23 October 2003. 2003-66-54)
- 1 April (retroactive from 11 April) – by Royal Assent
 - amendment of section 1. 2002-18-11
 - amendment of section 12.1. 2002-18-13
- 11 April – by Royal Assent
 - amendment of section 18. 2002-18-14
 - amendment of section 19. 2002-18-15
 - amendment of section 20. 2002-18-16
 - amendment of section 23. 2002-18-18
 - amendment of section 26. 2002-18-19
- 9 May – by Royal Assent
 - amendment of section 1. 2002-27-16
- 1 July 2002 BC Reg 157/02 came into force
 - amendment of section 41.1. 2002-7-22

1(A)(73) 2003: amendments to *Water Act RSBC 1996 c 483*

- 23 October – by Royal Assent
 - amendment of section 1. 2003-66-61(a)(part),(b)
 - amendment of section 10. 2003-66-62
 - amendment of section 12. 2003-66-63(part)
 - enactment of section 12.2. 2003-66-64
 - amendment of section 16. 2003-66-66
 - amendment of section 21. 2003-66-67
 - re-enactment of section 22. 2003-66-68
 - amendment of section 23. 2003-66-69
 - amendment of sections 30, 33-35. 2003-66-70
 - amendment of section 38. 2003-66-71

- amendment of section 40. 2003-66-72
- amendment of section 41. 2003-66-73
- amendment of section 45. 2003-66-75
- amendment of section 46. 2003-66-76
- amendment of section 56. 2003-66-77

1(A)(74) 2004: amendments to *Water Act RSBC 1996 c 483*

- 1 January – BC Reg 465/03 came into force, repealing BC Reg 428/03
 - amendment of section 1. 2003-53-175
 - amendment of section 9. 2003-52-524
 - re-enactment of section 50. 2003-52-525
- 8 July – BC Reg 317/04 came into force
 - amendment of section 1. 2003-53-175
- 1 August - BC Reg 365/04 under 2004-25-2 came into force, repealing Greater Nanaimo Water District Act
 - amendment of section 7. 2004-25-10
- 1 November. BC Reg 299/04 came into force
 - enactment of Part 1 heading. 2001-9-87
 - amendment of section 1. 2001-9-88(a),(b),(d)
 - enactment of section 1.1. 2001-9-89
 - enactment of Part 2 heading. 2001-9-90
 - repeal of section 3. 2001-9-91
 - repeal of sections 31, 32, 36 – 40. 2001-9-92
 - repeal of section 41. 2001-9-94
 - amendment of section 41.1. 2001-9-94
 - repeal of sections 41.2, 46, 48, 49. 2001-9-94
 - enactment of Part 3 heading. 2001-9-95
 - amendment of section 61. 2001-9-96
 - enactment of sections 62-67. 2001-9-97
 - enactment of sections 68-82. 2001-9-98
 - enactment of sections 83-86. 2001-9-99 (amended by 2003-66-80)
 - enactment of sections 88-91, 93, 94. 2001-9-99
 - enactment of section 92. 2001-9-99 (amended by 2003-66-80)
 - enactment of section 95. 2001-9-99 (amended by 2002-7-23)
 - enactment of sections 96-99. 2001-9-99
 - enactment of section 100. 2001-9-99 (amended by 2003-66-81)
 - enactment of section 101. 2001-9-99 (amended by 2003-66-82(b))

1(A)(75) Ground Water Protection Regulation BC Reg 299/2004

- under *Water Act*
- to improve safety and quality of groundwater resource
- repealed by BC Reg 39/2016, effective 29 February 2016

1(A)(76) Living Water Smart B.C.'s Water Plan (policy - note in research) 2008

- established new government vision and commitment to ensure water stays healthy and secure

1(A)(77) Water Act Modernization project and public engagement process initiated 2009

1(A)(78) Water Users' Communities Act RSBC 1996 c 483 2014:

- enactment. 2014-15-197, BC Reg 35/2016. Title changed to Water Users'

Communities Act RSBC1996 c 483

1(A)(79) Water Sustainability Act SBC 2014 c 15

- Assented to May 29, 2014
- Commencement provisions in s 219
- See Curran, Deborah. *Leaks in the System*: BC was “the only province in Canada and one of the last jurisdictions in North America that did not regulate the taking and use of groundwater. (p 255)

1(A)(80) BC Reg 240/2015

- 1 September
- Re-enacts s 105(4)

1(A)(81) BC Reg 35/2016

- 29 February
- Under s 219 regulation making powers
- Brings Water Sustainability Act, except s 18, into force

1(A)(82) BC Reg 191/2016

- 1 September
- Brings Miscellaneous Statutes (Signed Statements) Amendment Act SBC 2016 c 4, except ss 2-4, 18, 34, into force
- S 11 amends s 33 Water Sustainability Act (affidavit → signed statement)

1(A)(83) 2016-5-48, sch 10

- By Royal Assent, 10 March
- Amends ss 106, 107

1(A)(84) 2017-10-61, sch 2

- By Royal Assent, 2 November
- Amends s 117

1(A)(85) 2018-39-27

- By Royal Assent, 31 October
- Amends s 106

1(B) CANADIAN LAW: PROVINCIAL WATER CASE LAW

Research Instructions

For each research task:

- Record the following information on your Google Doc (see “During Your Shift” above for document naming instructions):
 - Legal citation (in McGill guide)
 - Case brief: facts, issue, decision, analysis, ratio
 - Status of case (has it been reversed? upheld?)
- Save your work with the appropriate name and complete check-out steps (see “During your Shift” above)

Resources:

- WestLaw
- QuickLaw
- CanLII

Note: case briefs can be very short if the legal principle they stand for is narrow in scope (no need to go into detail if it isn't helpful for understanding the development of water-related case law).

Research Tasks

(1) Courts

1(B)(1)(a) *Winters v. United States*, 207 US 564 1908 (SC).

- Winters Doctrine: recognized implied federal reserve right to water in a sufficient amount to fulfill the purposes of Indian reservations. There is no Canadian legal principle that mirrors it. Mediates FN water entitlements through water licences
- see Curran, Deborah. *Leaks in the System* p.265-67

1(B)(1)(b) *BC (Department of Indian Affairs) v. BC (Board of Investigation)*, (1925) 36 BCLR 62 (CA).

- case where settlers obtained water licences in priority to existing First Nations when the Board of Investigation and provincial government originally issued licences.
- see Curran, Deborah. *Leaks in the System*. (p 270)

1(B)(1)(c) *R v. Lewis*, (1996) 1 SCR 921.

- a case on fishing rights: rejects *ad medium filum aquae* doctrine for FN part

ownership of streambed (which presumably included the water).

1(B)(1)(d) *Halalt First Nation v. British Columbia (Minister of the Environment)*, 2011 BCSC 945; 2012 BCCA 472.

- leave to appeal to SCC refused.
- see Curran, Deborah. *Leaks in the System*. (p 271-274)

1(B)(1)(e) *Thomas v. Rio Tinto Alcan*, 2013 BCSC 2303.

- Claim was commenced by the Saik'uz First Nation, Stellat'en First Nation, and their respective Chiefs. The Plaintiffs claim aboriginal rights and title, including rights and title to the riverbed and its banks. They sought injunctions to stop Rio Tinto from continuing water diversion activities connected with its operation of the Kenny Dam.

1(B)(1)(f) *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44.

- Tsilhqot'in explicitly excluded underwater or submerged land from its claim: issue of relationship between aboriginal title and water management remains unsettled
- See Curran, Deborah. *Leaks in the System*. (footnote 127)

(2) Tribunal (Environmental Appeal Board)

1(B)(2)(b) *Columbia River and Property Protection Society; East Kootenay Environmental Society v. Deputy Comptroller of Water Rights*, (1996) EAB Appeal No. 95/42 (Water).

- The Appellants appealed a decision of the Deputy Comptroller of Water Rights in relation to an approval issued to Windermere Resorts Ltd. under the Water Act. The Board found that the Appellants did not have standing under the Water Act to appeal the issuance of the approval.

1(B)(2)(c) *Fred Sawada v. Deputy Comptroller of Water Rights*, (July 1991) EAB Appeal No. 91/1 (Water).

- The appeal concerned the provision of water for private use and the contention of the Appellant that there was insufficient water to satisfy the new and existing licences.

1(B)(2)(d) *Department of Indian Affairs and Northern Development and Westbank First Nation v. Deputy Comptroller of Water Rights*, (July 1996) EAB Appeal No. 95/59 (Water)

- An appeal of a decision by the Deputy Comptroller of Water Rights to cancel a final and two conditional water licences held by the Appellants. The Appellants argued that they did not use the licences because they were under the mistaken

impression that part of the works were on Mr. Berscheid's property and, due to threats from him, they did not rehabilitate the works. They further argued that there was a duty on the Water Branch to advise them of their error and, alternatively, that they had an aboriginal right to water outside of the structure of the *Water Act*.

1(B)(2)(e) *Mike and Jackie Austin v. Regional Water Manager*, (January 1998) EAB Appeal No. 97-WAT-08.

- EAB acknowledges that Regional Manager had the authority to licence the complete diversion of a creek for beneficial use (WSA requires all licencing decisions to consider environmental flows..)

1(B)(2)(f) *A. M. Anderson, R.J. v. B.C. Assistant Regional Water Manager*, (2001) EAB Appeal No. 1998-WAT-23.

- Lower Nicola Band, a third party in the case, alleges a failure to consult

1(B)(2)(g) *Don Harvey v. B.C. Assistant Regional Water Manager*, (2004) EAB Appeal No. 2004-WAT-008(a).

- Appeal by applicant for a water licence for conservation purposes. Harvey sought to prevent water diversion and preserve it for use by wildlife.

1(B)(2)(h) *McClusky v. B.C. Assistant Regional Water Manager*, (2005) EAB Decision Nos. 2004-WAT-003(b) and 2004-WAT-004(b).

- Shows uncertainty in dealing with water flow, ecological conditions and impact of diversions; a lack of data informing policy.

1(B)(2)(i) *Fullford Creek Holdings Ltd v BC ARWM* (2010) Decision No. 2010-WAT009(a) & 2010-WAT 010(a)

- A five-year delay in enforcement action by ministry for improper use of water

1(B)(2)(a) *Sanders v BC ARWM* (2011) Decision No. 2009-WAT-002(a)

- Issues with lack of ecological data result in tribunal decisions overturning water licences that are based on inadequate factual bases.
- See Curran, Deborah. *Leaks In the System*.

1(B)(2)(j) *Fort Nelson First Nation v. B.C. Assistant Regional Water Manager*, (2012) EAB Decision No. 2012-WAT-013(a).

- North Tsea Lake, Nexen Inc. & Fort Nelson First Nation (FNFN), Nexen water licence appealed to BC Environmental Appeal Board: EAB found licence should be reversed/cancelled.
- Few if any other EAB decisions where this has happened.
- see Curran, Deborah. *Leaks in the System*.

1(B)(2)(k) *Dickie v. B.C. Assistant Regional Water Manager*, (2012) EAB Decision No. 2012-WAT-013(b).

- Appeal of storage water licence, water used for hydraulic fracturing, based on failure to uphold the Crown's duty to consult and assess the impacts on the environment and treaty rights.

1(B)(2)(l) *District of Lake Country v. B.C. Assistant Regional Water Manager*, (2013) EAB Group File 2012-WAT-G03.

- Okanagan band concerned about lack of notice of water licence applications and their issuance

1(B)(2)(m) *Weir v. B.C. (Deputy Comptroller of Water Rights)*, (2013) EAB Decision Nos. 2013-WAT-013(a), 015(b), 016(a), 018(b) and 019(b).

- Case deals with granting participant status in an EAB appeal; who has the right to participate in water licencing appeals.

1(B)(2)(n) *Chief Richard Harry v. B.C. Assistant Regional Water Manager*, (2013) EAB Decision Nos. 2011-WAT-005(c) and 2011-WAT-006(c).

- Deals with objection to the commercialization of freshwater in the area, the water licence's impact on Aboriginal rights, and long-term environmental consequences.

1(B)(2)(o) *Chief Michelle Edwards v. B.C. Assistant Regional Water Manager*, (2014) EAB Decision No. 2014-WAT-008(a).

- Application for stay of conditional water licence based on its direct adverse affect Aboriginal title, rights, and interests

1(C) CANADIAN LAW: ORDERS/POLICIES/PLANS IN NICOLA WATERSHED

Research Instructions

For each research task:

- Record the following information on your Google Doc (see “During Your Shift” above for document naming instructions):
 - Name and date of Ministerial Order, Order-in-Council, or policy/plan (McGill citation style)
 - One sentence summary of the main point: what was the nature of the resource?
 - Impact to water governance in the Nicola Valley: what was the significance of the resource?
- Save your work with the appropriate name and complete check-out steps (see “During your Shift” above)

Note: Research in this section is focused on the Nicola Valley region. Please indicate if your resource does not relate (eg. relates to another region, is provincial in nature)

Research Tasks

1(C)(1)

<https://archive.news.gov.bc.ca/releases/archive/pre2001/2000/july/bgbg141.asp>

July 19, 2000: Ministry of Environment, Lands and Parks

Action Plans For Waterbodies With Deteriorating Trends

1(C)(2)

https://archive.news.gov.bc.ca/releases/news_releases_2009-2013/2009ENV0020-000367.htm

https://www.psf.ca/sites/default/files/Final_-_Nicola_WUMP_March_2010.pdf

September 18, 2009: Ministry of Environment

Water Use Reduction Order to Protect Fish Populations

1(C)(3)

https://archive.news.gov.bc.ca/releases/news_releases_2013-2017/2015FLNR0178-001062.htm

July 10, 2015: Ministry of Forests, Lands and Natural Resource Operations

Fishing closures part of comprehensive drought response

1(C)(4)

https://archive.news.gov.bc.ca/releases/news_releases_2013-2017/2015FLNR0189-001102.htm

July 15, 2015: Ministry of Forests, Lands and Natural Resource Operations
South Coast/Lower Fraser drought level increased

1(C)(5)

https://archive.news.gov.bc.ca/releases/news_releases_2013-2017/2015FLNR0202-001138.htm

July 21, 2015: Ministry of Forests, Lands and Natural Resource Operations
Water conservation urged and fishing closures implemented in the Nicola

1(C)(6)

https://archive.news.gov.bc.ca/releases/news_releases_2013-2017/2015FLNR0207-001180.htm

July 27, 2015: Ministry of Forests, Lands and Natural Resource Operations
Drought level increased in four areas of southern B.C.

1(C)(7)

https://archive.news.gov.bc.ca/releases/news_releases_2013-2017/2015FLNR0218-001222.htm

July 31, 2015: Ministry of Forests, Lands and Natural Resource Operations
Water use reduction order to protect fish

1(C)(8)

https://archive.news.gov.bc.ca/releases/news_releases_2013-2017/2015FLNR0223-001252.htm

Aug. 5, 2015: Ministry of Forests, Lands and Natural Resource Operations
Water conservation urged for North Thompson

1(C)(9)

https://archive.news.gov.bc.ca/releases/news_releases_2013-2017/2015FLNR0224-001253.htm

Aug. 5, 2015: Ministry of Forests, Lands and Natural Resource Operations
Water conservation urged as final Okanagan area increases drought rating

1(C)(10)

https://archive.news.gov.bc.ca/releases/news_releases_2013-2017/2015FLNR0241-001312.htm

Aug. 17, 2015: Ministry of Forests, Lands and Natural Resource Operations
North Thompson drought level increased

1(C)(11)

https://archive.news.gov.bc.ca/releases/news_releases_2013-2017/2017FLNR0092-001184.htm

May 3, 2017: Ministry of Forests, Lands and Natural Resource Operations
Use caution around Nicola Lake and river

1(C)(12)

https://archive.news.gov.bc.ca/releases/news_releases_2013-2017/2017FLNR0095-001190.htm

May 7, 2017: Ministry of Forests, Lands and Natural Resource Operations
Update: Water flows around Nicola Lake and river

1(C)(13)

https://archive.news.gov.bc.ca/releases/news_releases_2013-2017/2017FLNR0096-001196.htm

May 9, 2017: Ministry of Forests, Lands and Natural Resource Operations
More flooding expected along Nicola Lake and river

1(C)(14)

https://archive.news.gov.bc.ca/releases/news_releases_2017-2021/2017FLNR0261-001518.htm

Sept. 1, 2017: Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Water conservation urged as drought levels increase in interior regions of southern B.C.

1(C)(15)

https://archive.news.gov.bc.ca/releases/news_releases_2017-2021/2017FLNR0280-001554.htm

Sept. 8, 2017: Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Water conservation urged as drought levels increase in southern B.C. Interior

1(C)(16)

https://archive.news.gov.bc.ca/releases/news_releases_2017-2021/2018PSSG0005-000150.htm

Feb. 2, 2018: Ministry of Public Safety and Solicitor General; Emergency Management BC; Public Safety Canada
All levels of government support 30 British Columbia flood mitigation projects

1(C)(17)

https://archive.news.gov.bc.ca/releases/news_releases_2017-2021/2018ENV0012-000484.htm

March 23, 2018: Ministry of Environment and Climate Change Strategy; Ministry of Forests, Lands, Natural Resource Operations and Rural Development; Ministry of

Indigenous Relations and Reconciliation; Nicola First Nations
MOU to address water governance in the Nicola watershed

1(C)(18)

https://archive.news.gov.bc.ca/releases/news_releases_2017-2021/2018FLNR0021-000830.htm

May 3, 2018: Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Residents advised about Nicola Lake water levels

1(D) CANADIAN LAW: WATER LICENSES IN NICOLA VALLEY

Note: for allocation to Thompson Rivers University.

Research Instructions

For each research task:

- Record the following information on your Google Doc (see “During Your Shift” above for document naming instructions):
 - A brief outline of methods, notes, and areas for further research
 - Relevant outputs – summaries of licence analysis, tables, charts, graphs, etc.
 - Names of sources used, cited in McGill citation style (if possible)
- Save your work with the appropriate name and complete check-out steps (see “During your Shift” above)

Research Overview

Objectives:

- Develop a high level overview of the current state of water management in the region and how it has changed over the last 15 years
- Illustrate the above information using charts, graphs, etc.

Background

- As outlined above, the Nicola Watershed currently faces complex water management challenges.
 - This is driven in part by rapid population, agricultural, and industrial growth over the past 20 years.
 - About 60 percent of the surface water in the Nicola Watershed is diverted annually
 - In 2004, the Nicola Watershed was named the most endangered watershed in BC because of the risk to fish from low water levels.
 - In response to growing pressure, the [Nicola Water Use Management Plan](#) was written in 2010 on behalf of the Citizens of the Nicola Watershed
 - In light of these issues, water allocation (authorization to divert water) is an increasingly important management tool.
- We’re interested in what has changed since 2004 with respect to licences in the region

Notes:

- The Nicola Watershed includes 2 sub-watersheds: the Lower Nicola River and the Nicola River.
 - The watershed group codes are LNIC and NACL, respectively

- The Nicola Watershed Community Roundtable has a helpful map [here](#) though this may not perfectly align with the LNIC and NACL boundaries.

Resources:

1. Water Licences and Watersheds

- a. [BC Water Resources Atlas](#) - This is a great BC Gov tool which allows you to see many of the relevant water management features, including: current water act licences, watersheds, waterbodies, cities, topographic features, etc.
 - i. Many of the layers are zoom-dependent, so they only appear once you zoom in relatively close to the region. This can make the visualization a bit tricky between the 2 sub-watersheds so you may have to split searches up
 - ii. This includes a helpful function for exporting the selected data into spreadsheets. Eg once you turn on the water licence layer you can highlight the rough area you're interested in, and then export the list of licences into a spreadsheet. You can then use this for a rough analysis of the licences by watershed, active vs historic, allocation, use, etc. This information should be available via the Water Licence Search tool as well
- b. [Water Licence Search](#) – Another helpful BC Gov tool for exporting water licence data
 - i. Useful search filters are the Water District Name (Nicola) and Precinct (Lower Nicola and Upper Nicola)
 - ii. Unless you have restrictive search filters on, it can take a while to load the results. The best option is likely to “Save to Excel” (yellow button at the bottom) – this is the fastest and will allow you to manage the data using Excel functionality

Research Tasks

We recommend having 2-4 people work collaboratively on each of the below tasks to brainstorm and record the information.

1(D)(1) - Water Licence Analysis

Recommended tool: [Water Licence Search](#)

- The number of currently active water licences in the region
- The breakdown of these licences by:
 - Licence type (surface water or groundwater);
 - Purpose use;
 - Quantity; and

- Precinct
- How the above factors have increased or decreased since 2004
- E.g. the annual change in number of water licences between 2004-present
- Note: Most of this analysis should be feasible with basic/intermediate Excel formulas. Pivot tables may work well too, if anyone has experience using them.

1(D)(2) - Visualization of 1(D)(1) Data

Recommended tools:

- Excel graphs/charts seem like an easy option but feel free to whatever you think is best! The goal is to have a few key visual aids to integrate into the final research-athon report.
 - E.g. A chart showing the increase/decrease in water licences since 2014, and a few charts showing the breakdown of allocation between major users

The Alberta Energy Regulator's [Water Use Performance](#) site has great visuals which may give you some ideas

RESEARCH FOCUS AREA 2: INDIGENOUS LEGAL RESEARCH

Research Instructions/Notes

For each research task:

- Fill out the Relevance Checklist below (copy and paste from Appendix A into new google doc)
- If time permits and/or you are interested in engaging with ILRU's case briefing methodology, a template is provided in Appendix B. In Appendix C, you will find an example of an ILRU analytical framework. ILRU builds an analytical framework after completing case briefs for all of the available and relevant narratives. However, the questions explored in the framework may be useful for you to think about when completing a relevance checklist or case brief
- Save your work with the appropriate name and complete check-out steps (see "During your Shift" above)
- *Note:* some sections may require several checklists.

Note: Help available to you on the day of the event includes:

- Examples of completed checklists
- Physical copies of resources listed as "on reserve"
- Several people with training on the ILRU legal research methodology

2(A) INDIGENOUS LAW: OKANAGAN (SYILX) NATION (UPPER NICOLA BAND)

Research Tasks

Animal Brides and Animal Bridegrooms

Ashliman, D.L. *Animal Brides and Animal Bridegrooms, Tales told by North American Indians*, 1998-2003.

Access: <https://www.pitt.edu/~dash/animalindian.html>

Relevant Sections:

2(A)(1) The Girl Who Married the Crow

Folk-Tales of Salishan and Sahaptin Tribes

Boas, Franz. *Folk-tales of Salishan and Sahaptin tribes*, American folklore Society Memoirs vo. 11 (New York: Kraus Reprint, 1969).

Access: https://www.sos.wa.gov/library/publications_detail.aspx?p=42, On Reserve

Relevant Sections:

2(A)(2) Coyote Tales p.1-13

2(A)(3) Sesulia'n and Seku'lia p.13-15

- 2(A)(4)** Qwa'qtqwetl and Kokwe'la p.15-20
- 2(A)(5)** Sea-Gull p.20
- 2(A)(6)** Marten and Fisher p.22-25
- 2(A)(7)** Wolf-Boy p.35-37
- 2(A)(8)** The Deer p.40-43
- 2(A)(9)** Pego's El Eapi.la p.47-48
- 2(A)(10)** Migration Legends p.48-52
- 2(A)(11)** Coyote Goes Fishing p.62
- 2(A)(12)** Coyote Tales p.65-80
- 2(A)(13)** Old One p.80-83
- 2(A)(14)** The Creation p.84
- 2(A)(15)** Origin of the Earth and People p.84
- 2(A)(16)** Skwotilwola'na p.92-97
- 2(A)(17)** Okanagan Tales by Gould p.98-100
- 2(A)(18)** Sanpoil Tales by Gould p.101-113
- 2(A)(19)** Pend' D'Oreille Tales by Teit p.114-118
- 2(A)(20)** Coeur D'Alene Tales by Teit p.119-128
- 2(A)(21)** Tales from the Lower Fraser by Teit p.129-134
- 2(A)(22)** Sashaptin Tales p.135-179
- 2(A)(23)** Nez Perce Tales p.180-201

Indian legends of the Pacific Northwest

Clark, Ella Elizabeth *Indian legends of the Pacific Northwest* (Berkeley, California: University of California Press, 1953).

Access: On Reserve

Relevant Sections:

- 2(A)(24)** Legends of the Lakes p. 51-80
- 2(A)(25)** Tales of the Rivers, Rocks, and Waterfalls p.81-129
- 2(A)(26)** Origin of Crater Lake p.53-55
- 2(A)(27)** Creation of the Animal People p.83-84
- 2(A)(28)** Why Rivers Flow but One Way p.86-87
- 2(A)(29)** The Origin of the Spokane River p.116-117

The Sinkaietk or Southern Okanagan of Washington

Cline, Walter, Rachael Commons, May Mandelbaum, Richard Post and L. V. W. Walters, ed Leslie Spier *General Series in Anthropology Number 6: The Sinkaietk or Southern Okanagan of Washington* (Menasha, Wisconsin: George Banta Publishing Company Agent, 1938).

Access:

<http://ufdcimages.uflib.ufl.edu/UF/00/09/85/01/00001/sinkaietkorsouth00spie.pdf>

Relevant Sections:

- 2(A)(30)** The Origin of People p.197-199
- 2(A)(31)** Youngest Wolf Brother and Big Deer p.207-208
- 2(A)(32)** Fisher Marten Cut off the Sea Monster's Head p.209-210
- 2(A)(33)** Coyote Liberates Salmon p.214-218

- 2(A)(34)** Two Brothers Who Changed into Wolves p.222-226
2(A)(35) Coyote and The Water Monster p.234-235
2(A)(36) Coyote's Long Penis p.237-238

Stories and Images About What the Horse Has Done For Us

Bill Cohen, ed, *Stories and Images About What the Horse Has Done For Us*, (Penticton: Theytus Books Ltd., 1998).

Access: On Reserve

Relevant Sections:

- 2(A)(37)** Original People p.97-102

School Failed Coyote, So Fox Made a New School

Cohen, William *School Failed Coyote, So Fox Made a New School: Indigenous Okanagan Knowledge Transforms Pedagogy* (D. Ed. Thesis, University of British Columbia 2010) [unpublished].

Access: <http://www.collectionscanada.gc.ca/obj/thesescanada/vol2/BVAU/TC-BVAU-30469.pdf>.

Relevant Sections:

- 2(A)(38)** Okanagan Tribal Council p.117-118
2(A)(39) Background p. 102-103

Coyote Stories

Dove Humishuma, *Coyote Stories* (Idaho: University of Nebraska Press, 1990).

Online access: [https://babel.hathitrust.org/cgi/pt?id=uc1.\\$b59452;view=1up;seq=13](https://babel.hathitrust.org/cgi/pt?id=uc1.$b59452;view=1up;seq=13)

Access: On Reserve

Relevant Sections:

- 2(A)(40)** Fox and Coyote and Whale p.31-37
2(A)(41) Rattlesnake and Salmon p.93-96
2(A)(42) Coyote Meets Wind and Some Others p.99-106
2(A)(43) How Coyote Happened to Make the Black Moss Food p.121-125
2(A)(44) Crawfish and Grizzly Bear p.157-161
2(A)(45) Why Mosquitos Bite People p. 173-175
2(A)(46) The Gods of the Sun and the Moon p.179-184
2(A)(47) Coyote and Chickadee p.205-211
2(A)(48) The Arrow-Trail p.215-219
2(A)(49) Why Gartersnake Wears a Green Blanket p.109-111

Tales of the Okanogans

Dove, Mourning & Donald M. Hines (ed), *Tales of the Okanogans* (Fairfield, Washington: YE Galleon Press, 1976).

Access: On Reserve

Relevant Sections:

- 2(A)(50)** How coyote broke the salmon dam p. 23-28
2(A)(51) Boy lynx and owl-woman p.29-40
2(A)(52) North wind monster p.41-47

- 2(A)(53)** Sons of beaver and of coyote p.50-53
- 2(A)(54)** The origin of diseases p.59-60
- 2(A)(55)** Origin of mosquito p.81-82
- 2(A)(56)** Coyote takes his daughter as wife p.96-97
- 2(A)(57)** Coyote's son muskrat and grizzly bear p.104-109
- 2(A)(58)** Coyote kills wind p.111-115
- 2(A)(59)** How coyote killed the monster whale of the Swah-Netk'-Qha p.116-117
- 2(A)(60)** How coyote imitated bear and kingfisher p.118-121
- 2(A)(61)** Rattlesnake kills salmon p.123-125
- 2(A)(62)** Coyote drowns from thirst p.135-136
- 2(A)(63)** Coyote subdues the man-eating monsters p.137-140
- 2(A)(64)** Coyote's daughter p.144-148
- 2(A)(65)** The whale monster of the Swah-Netk'-Qha p.157-159
- 2(A)(66)** The arrow trail to the upper world-land p.160-167

When the Morning Stars Sang Together

Morgan, John S, *When the Morning Stars Sang Together* (Agincourt, Canada:The Book Society of Canada Limited, 1974).

Access: On Reserve

Relevant Sections:

- 2(A)(67)** The story of coyote and the salmon p.32-33
- 2(A)(68)** The loon's necklace p.152-160

Living by Stories: A Journey of Landscape and Memory

Robinson, Harry & Wendy Wickwire (ed), *Living by Stories: A Journey of Landscape and Memory* (Vancouver, BC: Talonbooks, 2005).

Access: On Reserve

Relevant Sections:

- 2(A)(69)** The Big Fish Swallow that House p.226-231
- 2(A)(70)** Maybe that lake might be tunnel p.246-249

Nature Power: In the Spirit of an Okanagan Storyteller

Robinson, Harry & Wendy Wickwire (ed) *Nature Power: In the Spirit of an Okanagan Storyteller* (Vancouver, BC: Talonbooks, 2004)

Access: On Reserve

Relevant Sections:

- 2(A)(71)** Power Man, Power Woman, They Each Have a Different Way p.43-53
- 2(A)(72)** When They Get Together, They Just Like an Animal p.70-88
- 2(A)(73)** Throw Me In The River p.97-104
- 2(A)(74)** The Dead Man, He Come Alive p.113-130
- 2(A)(75)** Go Get Susan, See What She Can Do p.135-160
- 2(A)(76)** Sing Your Song and Take Sickness Away p.161-174
- 2(A)(77)** Don't Forget My Song p.184-224

Write it on your heart: The Epic World of an Okanagan Storyteller

Robinson, Harry & Wendy Wickwire (ed), *Write it on your heart: The Epic World of an Okanagan Storyteller* (Vancouver, BC: Talonbooks, 1989).

Access: On Reserve

Relevant Sections:

2(A)(78) The first people p.31-34

2(A)(79) Earth diver p.35-39

2(A)(80) Twins: White and Indian p.40-52

2(A)(81) Coyote disobeys fox p.75-85

2(A)(82) The flood p.114-118

2(A)(83) Coyote challenges God p.119-122

2(A)(84) Prophecy at Lytton p.168-197

Voices from Four Directions

Swann, Brian (ed) *Voices from Four Directions Contemporary Translations of the Native Literatures of North America* (Lincoln: University of Nebraska Press, 2004).

Access: On Reserve

Relevant Sections:

2(A)(85) Prophecy at Lytton p.154-155

Stith Tales of the North American Indians

Thompson, Stith *Tales of the North American Indians* (Mineola, New York: Dover Publications Inc, 1929).

Access: https://books.google.ca/books?id=SuZakJlx1loC&pg=PA378&lpg=PA378&dq=okanagan+tales+by+gould&source=bl&ots=mHvOoiflhn&sig=oQYBHuD6T6k5LsQxwxf_suk_SUGs&hl=en&sa=X&ved=0ahUKEwjAyJPIr4nUAhVpsFQKHUWhA04Q6AEIKDAB#v=onepage&q=okanagan%20tales%20by%20gould&f=false, On Reserve

Relevant Sections:

*(Note this resource contains Syilx and Nlaka'Pamux stories)

2(A)(86) The Bag of Winds p.47

2(A)(87) The Bungling Host p.71

2(A)(88) Dirty-Boy p.120-124

2(A)(89) The Youth who Joined the Deer p.169-173

2(A)(90) Little Poucet p.218-222

2(A)(91) The True Bride p.231-238

Okanagan Grouse Woman: Upper Nicola Narratives

Lindley, Lottie & John Lyon, *Okanagan Grouse Woman: Upper Nicola Narratives* (Lincoln: University of Nebraska Press, 2016).

Online access:

<https://login.ezproxy.library.uvic.ca/login?qurl=https%3a%2f%2febookcentral.proquest.com%2f%2flib%2fuvic%2fdetail.action%3fdocID%3d4793301>

Access: On Reserve

Relevant Sections:

- 2(A)(92)** Divided by the lake p.71-72
- 2(A)(93)** When coyote ruled p.73-74
- 2(A)(94)** The lake monster p.75-81
- 2(A)(95)** The snotty-nosed bird p.82-83
- 2(A)(96)** Other side of the lake p.84-86
- 2(A)(97)** Clean yourself before going hunting p. 90-92
- 2(A)(98)** At Minnie Lake p. 118-126
- 2(A)(99)** At Chapperon Lake p. 127-129
- 2(A)(100)** The kokanees will go upriver p. 130-133
- 2(A)(101)** They fought over the land p. 134 - 135
- 2(A)(102)** They all fell off except the old man with a cane p. 136 - 139

2(B) INDIGENOUS LAW: NLAKA'PAMUX NATION

Tasks

Brushed by cedar, Living by the River

Crisca Bierwert *Brushed by Cedar, Living by the River* (Tuscon: The University of Arizona Press, 1999).

Access: On Reserve

Relevant Sections:

- 2(B)(1)** Five ways to know a place p.45-46
- 2(B)(2)** Fish Camp: A natural Place p.46-47
- 2(B)(3)** Fish Camp: A Social Place p.48-50
- 2(B)(4)** The Fishing Site: A Source of Danger p.50-51
- 2(B)(5)** No title (story about xals and the mink) p.80-81

The Salish people: Local contribution of Charles Hill-Tout

Hill-Tout, Charles & Ralph Maud *The Salish people: the local contribution of Charles Hill-Tout* v.1 (Vancouver: Talonbooks, 1978).

Access: On Reserve

Relevant Sections:

- 2(B)(6)** Background/Intro p.11-17
- 2(B)(7)** Sqatktquaclt, or the Benign-Faced p.21-39
- 2(B)(8)** Background and other information p.41-65
- 2(B)(9)** Folklore p. 65-125
- 2(B)(10)** Mythology p.137-159

RESEARCH AREA 3: WATER-RELATED ENVIRONMENTAL DISASTERS

Research Instructions

For each research task:

- Record the following information on your Google Doc (see “During Your Shift” above for document naming instructions):
 - Location of event
 - Nature of event:
 - Brief description
 - Date of event
 - Connections to water law/governance
 - Outcomes of event: did this lead to any changes in water governance? (eg. roundtables, community meetings, etc.)
 - Any other commentary provided by resource that offers insight into significance of event
- Save your work with the appropriate name and complete check-out steps (see “During your Shift” above)

Note: cite any sources used (McGill citation style where possible)

Research Tasks

3(1) 2003: Drought:

[https://www.psf.ca/sites/default/files/Final - Nicola WUMP March 2010.pdf](https://www.psf.ca/sites/default/files/Final_-_Nicola_WUMP_March_2010.pdf)

- Response to 2003 drought:
- **October 14-15 2004:** Nicola Watershed Community Round Table - *Charting our Water Future*
- See [https://www.psf.ca/sites/default/files/Final - Nicola WUMP March 2010.pdf](https://www.psf.ca/sites/default/files/Final_-_Nicola_WUMP_March_2010.pdf) p. 14

3(2) July 15 2015: Drought increases in Nicola Valley

3(3) July 27 2015: Drought level increases in Nicola Valley

3(4) Aug. 5 2015: Drought increases in Nicola Valley - water conservation urged

3(5) Aug. 17 2015: Drought increases in Nicola Valley

3(6) September 18 2015:

<http://www.vancouversun.com/Competition+precious+water+drought+stricken+Nicola+Valley/11372427/story.html>

3(7) May 12 2017: <https://www.cjctoday.com/article/571083/city-and-fire-crews-battle-heavy-flooding-merritt>

3(8) Sept.1- 8, 2017: Drought increases in Nicola Valley - water conservation urged

Water conservation urged as drought levels increase in B.C. Interior

3(9) May 3 2018: Water level advisory <https://cfjctoday.com/article/619251/more-flooding-forces-cache-creek-extend-state-local-emergency>

APPENDIX A: INDIGENOUS LEGAL RESEARCH RELEVANCE CHECKLIST

Story/Resource (full name, source and/or citation, page/paragraph number):

Key Words and Concepts:

Specific Names, Locations, other Identifiers:

This story/resource contains relevant information regarding water and/or watershed management about (check as many as apply, include pinpoint citations if possible):

Legal Processes: How Decisions are Made	Human Protocols and Practices	
	Territorial (incl. re water) Protocols and Practices	
	Procedural Steps for Resolving Conflicts/Making Agreements	
	Authoritative Decision-makers	
Relationships, Responsibilities and Rights: Considerations in making decisions	Land and Natural Environment	
	Other Territorial Groups	
	Community	

Education and Enforcement: How laws are upheld and passed on.	Natural and Spiritual Consequences	
	Enforcement	
	Teaching	
General or Underlying Principles: Foundational / background principles or recurrent themes	Name (note principle here if you can articulate it):	

Notes (including general thoughts on relevance):

APPENDIX B: INDIGENOUS LEGAL RESEARCH CASE BRIEF TEMPLATE

Sylix and Nlaka'pamux Legal Resources Casebrief Outline

What is the main territorial or resource-use problem that the story focuses on?

What facts matter?

What is decided, or how is the issue resolved? (Who makes the decision? What processes are involved? Are enforcement actions or consequences involved?)

What is the reason(s) behind the response(s)? Is there an explanation in the story? Is the reason said or unsaid?

As a reader, what inferences do you make to determine the above reasons and explanations? How do you justify them?

What legal relationships, responsibilities, and/or rights do you see being illustrated in this story?

Other Questions? What did you need to bracket?

APPENDIX C: ILRU ANALYTICAL FRAMEWORK

Legal Processes: Characteristics of legitimate decision-making/problem solving

- Authoritative decision makers: who has the final say?
- Determining a response or action: what are the pathways?

Legal Principles:

- **Relationships:**
 - What are the legal relationships that connect individuals, groups and the natural world? How are these established, maintained, changed or ended?
- **Responsibilities and Rights:**
 - Natural World:
 - People's responsibilities to the natural world
 - People:
 - People's responsibilities to each other (within groups) respecting the access/use of land, water, resources
 - People's expectations of others (between groups) respecting the access/use of land, water, resources
- **Responses and Resolutions:**
 - Appropriate responses to conflicts, problems, or violations
 - Natural Consequences
 - People-designed responses

General underlying principles

- What are the big principles that are important to understanding more specific points of law?