

## Lesley Gibbons

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**From:** Referrals <Referrals@fortisbc.com>  
**Sent:** June 4, 2025 8:15 AM  
**To:** Planning  
**Subject:** Referral Comments Requested - Temporary Use Permit (Peat) – Vacation Rental – 6900 Indian Rock Road (E2025.005-TUP) - Fortis Property Referral #2025-671

Fortis Property Referral #2025-671

Hello,

Please be advised FortisBC Energy Inc. (Gas) has no concerns as it appears from our internal GIS we have no gas in this area.

Thank you,

**Liz Dell**  
**Lands, Land Administrator**  
16705 Fraser Highway | Surrey BC V4N 0E8  
P: 778-578-8038 / [referrals@fortisbc.com](mailto:referrals@fortisbc.com)



**From:** Jerritt Cloney <jcloney@rdos.bc.ca>  
**Sent:** Tuesday, June 3, 2025 12:11 PM  
**Subject:** [External Email] - Referral Comments Requested - Temporary Use Permit (Peat) – Vacation Rental – 6900 Indian Rock Road (E2025.005-TUP)

**CAUTION: This is an external email.**  
**Do not respond, click on links or open attachments unless you recognize the sender.**

Hello,

Please find attached a Referral sheet for a Temporary Use Permit application, along with a link to our web page with the relevant documentation.

Please review and if you have any questions contact Jerritt Cloney, File Manager.

If you could forward your comments/concerns to [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca) by July 3, 2025.

Kind Regards,



**Jerritt Cloney CPT • Planner I**

Regional District of Okanagan-Similkameen

101 Martin Street, Penticton, BC V2A 5J9

p. 250-490-4108 x 4152 • ff. 1-877-610-3737 • f. 250-492-0063 • [www.rdos.bc.ca](http://www.rdos.bc.ca) • [jcloney@rdos.bc.ca](mailto:jcloney@rdos.bc.ca)

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## Lesley Gibbons

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**From:** Dennis Smith  
**Sent:** June 4, 2025 10:33 AM  
**To:** Jerritt Cloney  
**Subject:** Re: Referral Comments Requested - Temporary Use Permit (Peat) – Vacation Rental – 6900 Indian Rock Road (E2025.005-TUP)

Hi Jerritt

This proposal doesn't affect our service.

Thanks

Dennis Smith Fire Chief  
Naramata Volunteer FD  
dsmith@rdos.bc.ca  
250-462-5023

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**From:** Jerritt Cloney <jcloney@rdos.bc.ca>  
**Sent:** Tuesday, June 3, 2025 12:10 PM  
**Subject:** Referral Comments Requested - Temporary Use Permit (Peat) – Vacation Rental – 6900 Indian Rock Road (E2025.005-TUP)

Hello,

Please find attached a Referral sheet for a Temporary Use Permit application, along with a link to our web page with the relevant documentation.

Please review and if you have any questions contact Jerritt Cloney, File Manager.

If you could forward your comments/concerns to [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca) by July 3, 2025.

Kind Regards,



**Jerritt Cloney** CPT • Planner I  
Regional District of Okanagan-Similkameen  
101 Martin Street, Penticton, BC V2A 5J9  
p. 250-490-4108 x 4152 • tf. 1-877-610-3737 • f. 250-492-0063 • [www.rdos.bc.ca](http://www.rdos.bc.ca) • [jcloney@rdos.bc.ca](mailto:jcloney@rdos.bc.ca)

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## Lesley Gibbons

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**From:** Dan Moskaluk [REDACTED]  
**Sent:** August 14, 2025 1:57 PM  
**To:** Planning  
**Cc:** Jerritt Cloney  
**Subject:** Public Feedback Form Project No: E2025.005-TUP  
**Attachments:** 20250814 TUP Feedbackformcover.docx; 2025\_08\_14FinaldraftTUPpublicfeedback.docx; 2025 06 25 6960 Indian Rock Rd Existing Cistern Assessment GFX 1204.pdf; CLGPeat64279.pdf; LetterofapplicationGPeatCL64279.pdf; EngineersreportonCL64279applicationGPeat.pdf; PropsedworksdrawingforCL64279.pdf; unauthworkCL64279cistern.pdf; 20250814emailTracyWang20241214.docx; C064278 WL.tif; CL56667Victorwilson1982.pdf

To whom it may concern at the RDOS Planning Dept, point of contact for the above noted project has been Jerritt Cloney.

Please find attached our public submission Feed Back cover letter 11 page Public feedback document with 9 attachments for Project No: E2025.005-TUP.

Attachments:

**Attachment #1** -Geotechnical Assessment report.

**Attachment #2** -Conditional Water Licence #64279 issued to Graydon and Gail Peat.

**Attachment #3** -Water Licence Application completed by Graydon and Gail Peat.

**Attachment #4** -Engineers Report on Water Application to Graydon and Gail Peat.

**Attachment #5** -Drawing of proposed water system works submitted by Graydon and Gail Peat.

**Attachment #6** -Drawing of actual work completed by Graydon and Gail Peat, showing location and installation of the unauthorized water cistern.

**Attachment #7** -Email response from Water Officer Tracy Wang of the Ministry of Water, Land and Resources Stewardship.

**Attachment #8** -Copy of Conditional water licence #64278 to Thomas and Elaine Peat, was transferred to Dan and Sheanne Moskaluk upon the purchase of the property.

**Attachment #9** -Copy of original Conditional Water Licence #56667 issued to John Victor Wilson [REDACTED] superseded by Conditional Water Licence #64278 issued to Thomas and Elaine Peat.

Sincerely

Dan & Sheanne Moskaluk



# Feedback Form

**Regional District of Okanagan-Similkameen**

101 Martin Street, Penticton, BC, V2A-5J9

Tel: 250-492-0237 / Fax: 250-492-0063 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

**TO:** Regional District of Okanagan-Similkameen **FILE NO.:** E2025.005-TUP

**FROM:** Name: Dan and Sheanne Moskaluk  
(please print)

Street Address: [REDACTED]

**RE:** **Temporary Use Permit (TUP) Renewal – “Vacation Rental” Use  
6900 Indian Rock Road**

My comments / concerns are:

☒ I do not support the proposed use at 6900 Indian Rock Road.

Please provide any comments you wish the Board to consider:

Please see attached documents.

Feedback Forms must be submitted to the RDOS office by **August 14, 2025**.

All representations, including names, will be made public if and when they are included in the Board Agenda.

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) (“FIPPA”). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Corporate Officer, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.

## Feedback Form

File No.: E2025.005-TUP

We, Dan and Sheanne Moskaluk do not support the issuance of a Temporary Use Permit – “Vacation Rental” use at 6900 Indian Rock Road, Naramata BC. We are requesting that the RDOS deny this Temporary Vacation Rental permit application at this time and defer any further decisions on the granting of said Temporary Vacation Rental permit and its issuance, until such time the below outlined issues are resolved.

We, reside at and own 6960 Indian Rock Rd, Naramata, BC, LOT A, PLAN KAP30496, DISTRICT LOT 212 391, SIMILKAMEEN DIV OF YALE LAND DISTRICT, and are the immediate neighbouring property to 6900 Indian Rock Road. Our properties run alongside each other with a property line of 380ft in length with the principal dwelling proposed to be used as a Temporary Vacation Rental approximately 44m from our property line and in total, approximately 65 m from our dwelling.

It is noted that the Feedback Form indicates this application is a “Renewal”, this may be a generic form template, however we request that the record clearly indicate this application as the first application for a TUP permit and not a “renewal” at 6900 Indian Rock, as it has been previously in operation since 2012 without permits or licencing.

Graydon and Gail Peat have never been the holders of a valid permit/licence to legally operate a Temporary Vacation Rental at 6900 Indian Rock Road, and have been operating an unpermitted Temporary Vacation Rental since the inception of the RDOS Bylaws regulating said businesses.

Our main reasons for opposing the issuance of this permit at this time, relate to the currently unresolved situation involving the shared use water system, from which Graydon and Gail Peat obtain their water, in addition to their continued noncompliance with their current Conditional Water License #64279.

Our opposition to the granting of a Temporary Vacation Rental permit at this time, is based on the facts that the water infrastructure for Graydon and Gail Peat’s property is a shared use water system with our property and theirs. Due to recent discoveries regarding the water system configuration, with unauthorized works completed in the past by Graydon and Gail Peat and risks posed by their past work on the water system on our property.

Given that we are awaiting further instructions and information from the Ministry of Water, Land and Resources, we are requesting that the RDOS deny this Temporary Vacation Rental permit application at this time and defer any further decisions on the granting of said Temporary Vacation Rental permit and its issuance, until such time the below described issues regarding the shared use water system are resolved.

The shared use water system works configuration is outlined in order to fully explain that Graydon and Gail Peat are not autonomous on their own independent water system and anything they do, or fail to do, has direct effects and consequences to our water supply, the proper operating condition of the water system and the safe guarding of our property and life and limb. It is not in effort to prove our ownership or argue ownership of the water system.

Graydon and Gail Peat obtain the entirety of their water supply for both domestic use and irrigation of their property from a water cistern located on our property, (located on a registered easement solely on the land title of Dan and Sheanne Moskaluk). A lake submerged pump feeds water to the 8,000 litres cistern through pipe works that run from Okanagan lake at the end of Somerset Lane, along Somerset Lane and along Indian Rock Road on Ministry of Highways right of way and onto our property, with the entirety of the system works on our property leading up to the cistern from which a gravity fed pipe feeds water from the cistern to our residence and to a diversion pipe that diverts water to the property of Graydon and Gail Peat.

Up until 2024, we thought that Graydon and Gail Peat had a conditional water licence authorizing them to supply domestic water to two dwellings, as in 2017 they built a second dwelling and connected it to the shared use water system. Upon obtaining a copy of their original and still current conditional water licence, we discovered that Graydon and Gail Peat have authorization to supply water for domestic purposes to only one dwelling.

Once these matters have been resolved, namely when Graydon and Gail Peat are operating their own independent water system, we do not anticipate having any objections to their applying for a Temporary Vacation Rental and the granting of a permit which conforms to all RDOS regulations and Bylaws.

Our non-support to the issuing a Temporary Vacation Rental Permit is solely one due to grave concerns that we have, since making several discoveries in 2023 and 2024, regarding the risks of further possible property damage and possibility of personal injury or death posed by the current shared water system configuration.

These risks are outlined below in the Geotech Assessment completed in June of 2025, regarding the installation of an unauthorized water cistern atop a hillside above our residence, works that were completed by Graydon and Gail Peat in 1991/92, when Graydon and Gail Peat purchased the newly subdivided lot from [REDACTED], prior to our owning our property. We purchased our property in 1998.

Prior to 2024, we thought that the modifications to the original lake fed water system, namely the installation of the hillside cistern, had been completed with the proper authorization from the Ministry of Water, Land and Resources Stewardship.

In 2024, the Ministry of Water, Land and Resources Stewardship confirmed the installation of the water cistern completed by Graydon and Gail Peat was never authorized by the Ministry nor do any of their records show this work nor the connecting of the newly built second dwelling to the shared use water system.

We have already experienced an extreme water event that caused sizable damage to our property, as a result of the water cistern and its current location.

On the morning of June 4, 2021, at approximately 05:30 am, we experienced a catastrophic water event, as a result of the failure of the float type lake pump shut off switch located in the water cistern. The fibreglass cistern (12ft x 5.5 ft) is located 140 ft directly above our house on the steep hillside and, in this instance, the failure of the pump shut off float caused the pump to run continuously over filling the cistern to the point of water exiting through an overflow discharge pipe for an extended and undetermined period of time. This went undetected without any visual warning, as water continued to fill the cistern and overflow into the overflow discharge pipe and saturated into the ground rather than flowing visibly above the ground down the hill.

This resulted in a sizable mud slide measuring 60ft in length, 20ft in width and 12 ft in depth to let go down the silt hillside approximately 50 ft from our house and sent a debris field further down the hillside. The slide went through a section of 8ft deer fencing ripping out two fence posts and debris covering our lower property access foot path in two 10ft wide swaths that were approximately 2ft deep.

The debris sluffed over a prepared level garden area below the path, with the debris field running over 100 ft and sluffed down the last half of the access path coming to rest near the back wall of a recently completed 12'x20' outbuilding, (no damage occurred to the building).

We were fortunate that the slide occurred very early in the morning and we were not on the path or gardening in the lower property at the time and nobody was injured.

We were without use of our access foot path for several weeks until we could obtain a large excavator to remove the debris. Seven dump truck loads of debris were removed from the debris field.

The Peats were initially reluctant to pay a portion of the reclamation work despite a written agreement to share costs of repair and maintenance of the shared use water system. With some insistence on our part, the Peats did contribute.

In addition, we have concerns regarding the extra wear to the water system since the addition of the second dwelling, as the entire works are on our property and when failures occur or pressure priming of the lines is conducted, any instances of water overflow out of the system occurs on our property, meaning that we assume all risks and damages when they occur. This is in addition to the risks posed by the unauthorized installation of the water cistern.

As it has been determined that Graydon and Gail are in noncompliance with their water license by adding the second dwelling, we are not in agreement for the noncompliance to continue, nor the granting of a permit authorizing the continued operation of a vacation rental unit, which utilizes more domestic water than a private dwelling.

Given that Graydon & Gail Peat installed the cistern without authorization in a questionable location, we engaged a Geotech Engineer on June 25<sup>th</sup>, 2025, to inspect the cistern and the location where Graydon and Gail Peat [REDACTED] installed the water cistern.

The determination made by the Geotechnical Engineer was:

*"In the event of even a slow leak or overflow, soil saturation has the potential to contribute to a catastrophic failure of the steep slope with actual anticipated volumes unknown at this time as this would depend on the length of time the tank was leaking as well as the actual volume of SILT soils overlying the bedrock in the area.*

*In the event of another mudslide or debris flow on the property, there is the potential for these saturated soils to flow towards the residence which could cause damage to the building and its foundations **or even worse, has the potential to cause injury or even death** if the volume of soils is large enough.*

*In addition, such an event could also lead to environmental impacts, particularly due to the site's designation as an environmentally sensitive area, and may trigger regulatory requirements for remediation.*

*Replacement of the tank in the current location is NOT recommended as it is directly above a residence".*

#### **Attachment #1**

-Geotechnical Assessment report.

The cistern location is also now considered an environmentally sensitive area, requiring an additional environmental impact assessment.

Given that the risk of property damage, or worse, injury or death falls completely with us by the unauthorized placement of the water cistern sitting 140 ft above our house, we will be removing the water cistern from its current location as soon as practicable, when the deactivation and decommissioning of the current shared water system is undertaken.

As Graydon and Gail Peat secured the cistern into place by burying it in the silt, it sits with half of the cistern under finished grade inside the shed, making it almost impossible to actually detect a leak. The cistern holds 8,000 litres and is approx. 12ft by long 5.5 ft deep.

They did not incorporate any safety engineering in its installation or to the site, with no cistern shut off valves, overflow detection system, nor proper footings to support the cistern in place. The original shed and its recent replacement structure is one that originally required a building permit due to its size. We confirmed that no building permit was obtained by [REDACTED] when Graydon and Gail Peat installed the cistern and built the shed. Graydon and Gail Peat also supplied power to a baseboard heater and electrical receptacle by running a power supply line from the cistern shed to their house's main electrical panel without a permit for the electrical work.

Up until 2024, we had the understanding that our water license and the water system installed was in compliance as per our license, as there were never any disclosures from [REDACTED] nor Grady and Gail Peat. in regards to the shared use water system, other than they shared water with Graydon and Gail Peat.

We have always acted in good faith and, in 2024, made all of the discoveries regarding the unauthorized water system works and have since been taking the appropriate action to rectify the situation to mitigate and eliminate the risks posed by this unauthorized shared use water system to our own property, as well as the properties above and below us.

Once the Ministry of Water, Land and Resources Stewardship were made aware of the unauthorized work completed by Graydon and Gail Peat, namely the installation of the water cistern, the Ministry of Water Land and Resources made the determination that the appropriate course of action was for both property owners to operate separate water systems on their own respective properties.

I forwarded the Geotech Assessment to the Ministry of Water, Land and Resources Stewardship on June 26<sup>th</sup>, 2025, and received a response to their reviewing the Geotech Assessment and risks posed by the water cistern and its unauthorized and undisclosed nature.

The completion of an expert assessment (Geotech Engineer) has further prompted the Ministry of Water Land and Resources Stewardship in their direction of seeing the two property owners operate separate water systems on their own respective properties and independent from one another.



The Ministry of Water Land and Resources has encouraged both parties to come to an agreement as to how and when to proceed with the decommissioning and deactivation of the current shared use water system. It is unfortunate that constructive communication has not been possible between the two parties since informing Graydon and Gail Peat of our discoveries regarding the unauthorized water works that they installed along with their ongoing noncompliance with their conditional water licence. Both parties have retained lawyers to assist with communications.

Currently both parties are awaiting further information and procedural instructions from the Ministry of Water Land and Resource Stewardship outlining how both parties will be proceeding with the deactivating and decommissioning of the current shared water system works.

The Ministry of Water, Land and Resources Stewardship suggested that the building of the two separate systems could commence this coming Fall, following the irrigation system blow out and irrigation system shut offs for both properties which normally occur in the second week of October.

Given that we are awaiting these further procedural instructions and information from the Ministry of Water Land and Resources, we are requesting that the RDOS deny this Temporary Vacation Rental permit application at this time and defer any further decisions on the granting of said Temporary Vacation Rental permit and its issuance, that until such time that the deactivation and decommissioning of the existing shared lake fed water system is completed, and both properties are operating their own separate and independent water systems.

On June 10<sup>th</sup>, 2025, the Ministry of Water, Land and Resources Stewardship advised me that they will approve and support that both property owners install separate water systems on their own respective properties. This support was again confirmed on June 17<sup>th</sup>, 2025, in conversation Tracy Wang Water Officer of the Ministry of Water, Land and Resources Stewardship .

We came about making these discoveries in 2023/24, while dealing with various outstanding property issues involving Graydon and Gail Peat, we obtained information regarding both our properties, i.e. Land Titles, property lines, registered easements, covenants, previous building permits, and Conditional Water Licences of both parties. This information was obtained through government agency open sources and the Freedom of Information Act.

During these inquiries and obtaining all of the water licences associated to our property, and that of Graydon and Gail Peat in 2023, it was at that time that we discovered that they were not complying with their Conditional Water Licence #64279, since constructing a secondary dwelling in 2017, as their Conditional Water Licence authorized use for domestic purposes for only one dwelling with 500 gallon daily consumption and with a separate designated irrigation quantity.

Given the need to minimize wear and tear on the cistern which is reaching its life use expectancy, the water consumed by both properties needs to be the bare minimum requirement and in accordance with both users conditional water license. It is only fair to both parties that Graydon and Gail Peat should be complying with their current water license with one dwelling being connected to the shared use water system until the deactivation and decommissioning of the water system is completed.

## **Attachment #2**

-Conditional Water Licence #64279 issued to Graydon and Gail Peat in 1987. Graydon and Gail Peat irrigate approximately 2 acres of grapes and operate a commercial vineyard.

In 1986, in their original water licence application, they sought authorization for domestic water use to two buildings, however, Graydon and Gail Peat were denied this request and were granted a licence for only one dwelling along with their requested irrigation purposes allotment.

## **Attachment #3**

-Water Licence Application completed by Graydon and Gail Peat submitted in May of 1986, seeking authorization for water use in two buildings.

## **Attachment #4**

-Engineers Report on Water Application to Graydon and Gail Peat, approving the authorization for domestic water use in 1 dwelling and an allotment for irrigation purposes.

As per the Ministry of Water, Land and Resource Stewardship regulations require in shared use works, in 2017 Graydon and Gail Peat did not consult with us about their plans to add a second dwelling to the shared water system, nor that their goal was to rent their primary dwelling as a temporary vacation rental, while residing in the secondary dwelling for the six months Temporary Use Vacation Rental period. Since the construction of the second dwelling, their water consumption has been higher than the authorized amount of 500 gallons daily, and with even higher water consumption given that water use in vacation rental units compared to private dwellings is higher.

Regardless of whether they had consulted with us about connecting a second dwelling to the shared water system, we could not have agreed to this legally, considering that they do not have authorization to supply domestic use water to two dwellings on their Conditional Water Licence.

Their connection of the second dwelling brings the total of dwellings drawing from the shared use water system to 4 dwellings, as our license authorizes us domestic water use to be supplied to 2 dwellings with authorization for 1000 gallons per day. We supply water to our primary dwelling and a secondary building beside our primary dwelling.

On May 2<sup>nd</sup>, 2024, during a meeting between Graydon and Gail Peat and ourselves, we brought to their attention that we were now aware that they had failed to disclose to us that they were in noncompliance of their Conditional Water Licence #64279 since constructing a secondary dwelling in 2017.

In the meeting, we also discussed with them that the water system works that they had proposed to the Ministry of Water to be completed as indicated on their Conditional Water Licence Application plan drawing did not, at all, reflect the actual works that they completed when tying into the original system when they obtained their licence.

Their drawing submitted to the Ministry when applying for their conditional water licence showed works along Somerset Lane from Okanagan Lake up to Indian Rock Rd and up and through the property of [REDACTED] and tying in a pipe across [REDACTED] Property to their property, to one dwelling. They simply repurposed the original plan drawing from C.L. 56667 and CL 64278. The plan drawings that they used referenced the original works installed in 1981.

#### **Attachment #5**

Proposed water system works drawing submitted by Graydon and Gail Peat

The actual works that they completed, was the installation of new pipe work from the original works on the lower portion of [REDACTED] property (now our property) and going up the hillside approx. 140ft above [REDACTED] dwelling to a large water cistern (8,000 to 10,000 litres) and feeding back down to [REDACTED] dwelling and a tie over onto Graydon and Gail Peat's property.

#### **Attachment #6**

Drawing showing location and installation of the unauthorized water cistern of actual work completed by Graydon and Gail Peat.

I have explained to Graydon and Gail Peat that by doing this, not only did they not carry out the proposed work that was forwarded to the Ministry of Water, Land and Resources Stewardship for their own water licence, but that they had also negatively affected the current standing of my Conditional Water License and its works, in that I would have to now apply for an amendment to my Conditional Water Licence to inform the Ministry of the installation of the water cistern and pipe works up and down the hill above my dwelling.

We initiated a report of noncompliance with the Ministry of Water Land and Resource Stewardship and Ministry of Natural Resources Compliance and Enforcement Section on 2024-08-27 with confirmed receipt of our report of the confirmed Conditional Water Licence noncompliance. We are awaiting the results of this investigation.

In addition, we are requesting that the RDOS deny this Temporary Vacation Rental permit application at this time and defer any further decisions on the granting of said Temporary Vacation Rental permit and its issuance, until such time that the Ministry of Water Land Resource Stewardship and Ministry of Natural Resources Compliance and Enforcement Section has completed their investigation of Graydon and Gail Peats' failure to comply with their Conditional Water Licence #64279.

I also filed a water license amendment request Amendment, in order to update the Ministry of Water, Land and Resources Stewardship to obtain an amendment to our current conditional water license #64278, to inform them of the cistern installation.

As a result of some of my initial inquiries with the Ministry of Water, Land and Resources Stewardship on or about February 24<sup>th</sup>, 2024, I received confirmation from Tracy Wang, Water Officer Thompson Okanagan Region of the following:

**Attachment #7**

Email response from Water Officer Tracy Wang

My question to the Ministry by email on February 24<sup>th</sup>, 2024:

At some point in time, a modification to the system was made and included a reservoir being installed on my property Plan A 30496 and a tie in to the neighbouring property civic address of 6900 owned by Graydon Peat lot shown as Plan 1 35614?

*Tracy Wang:*

*"No modification to the works of the water system has been documented in our office, let alone the reservoir tied to the neighboring property. The only and same works mentioned in the original licence (superseded) C056667 and the current licence C064278 are diversion structure, pump, pipe and sprinkler system".*

Are there any documentation, plan drawings or other licences showing this modification and addition of a dwelling on lot Plan 1 35614?

*Tracy Wang*

*"No document from our office shows the modification and addition of a dwelling on Lot 1, plan 35614. The original WL application requested for two buildings to be served with water, but during the site visit on Oct 20, 1986, the officer had a discussion with Mr. Peat on various occasions, only one dwelling/building allowed to be served under licence #64279, FN 8000778 was determined in the Engineering Report".*

The above information confirms that Graydon and Gail Peat have been aware since obtaining their water license that it authorized the domestic use in only 1 dwelling.

This also confirms that Graydon and Gail Peat along with [REDACTED] completed unauthorized works, i.e. installation of the cistern and works which did not reflect the proposed works submitted by Graydon and Gail Peat in obtain their license. It also confirms that [REDACTED] did not apply for an amendment to their water license to reflect the installation of the water cistern on their property in 1991/92.

The only standing legal adjustment was [REDACTED] obtaining a registered easement on the neighboring property for the placement of the cistern. This registered easement continues to be solely on the land title of Dan and Sheanne Moskaluk.

It is evident that Graydon and Gail Peat have repeatedly and intentionally misrepresented the legal authorization of their water license to the R.D.O.S.

On 3 different occasions they have stated having authorization to supply domestic water to two dwellings. All the while being fully aware of the authorization limiting domestic water use to one dwelling granted in their water license since its issuance 1987 and their being in noncompliance with their water licence since the construction of the second dwelling in 2017.

Graydon and Gail Peat's awareness of their not having a proper water license, was confirmed by the Ministry of Water, Land and Resources Stewardship who advised me on June 17<sup>th</sup>, 2025, that Graydon and Gail Peat had just recently made inquiries with the Ministry inquiring about obtaining a new water license regarding their temporary vacation rental. This information was disclosed to me, as I am privy to it as we allow shared use of the water system.

Once again proving that Graydon and Gail Peat are fully aware that they do not have a conditional water licence which authorizes them to supply water for domestic water use to two dwellings.

We question how Graydon and Gail Peat can continue to complicate the outstanding and unresolved issue of the shared use water system by seeking a permit to operate a temporary vacation rental while in noncompliance with their water licence. All the while utilizing a shared use water system on a neighbouring property which includes unauthorized and hazardous equipment installations completed by Graydon and Gail Peat that have been deemed by an expert to pose **a considerable risk to property and structure damage and the possibility of causing injury or death.**

#### Attachment #8

Conditional water licence #64278 to [REDACTED], was transferred to Dan and Sheanne Moskaluk upon the purchase of the property. The licence authorizes water use to 2 dwellings with a daily consumption rate of 1,000 gallons and 6 acre feet per annum for irrigation purposes. Currently we irrigate a personal use 7 tree orchard and raised vegetable beds, a fraction of our irrigation allotment.

#### Attachment #9

First Conditional Water Licence #56667 issued to [REDACTED] superseded by Conditional Water Licence #64278.

For the privilege of having shared use and water access, Graydon and Gail Peat agreed to share operating, maintenance and repair costs with us.

Prior to our purchasing our property from [REDACTED], I did write up an unnotarized agreement with both parties signing, solely outlining the continued shared use with shared maintenance, repairs and running costs of the system.

Since our purchase of the property in 1998, we have assumed all of the physical risks involved with the water system due to it being on our property and have generally been the first to note and respond to any operating issues.

Given that the cistern was installed on steep silt red/pink zone hillside, we were also shocked to discover that no proper engineering plan nor Geotech assessment was completed by either Graydon and Gail Peat nor [REDACTED] to ensure that the installation of the cistern was installed in a safe and appropriate location. From the date of purchase and throughout the years of our owning the property, Graydon Peat has stated numerous times that he completed the installation of the water cistern.

We purchased our property from [REDACTED] with the water system in place, which to this date sits in the same configuration since our date of purchase, aside from maintenance and repairs.

Since our purchase and residency at 6960 Indian Rock Road, we have acted in good faith with Graydon and Gail Peat in matters concerning the shared use water system.

Also, unbeknownst to us, up until the Fall of 2024, Graydon and Gail Peat had been operating a temporary vacation rental without a permit.

We reported the alleged illegal operation of a Temporary Use Vacation rental in September 2024 to the Regional District Okanagan Similkameen. The investigation by the R.D.O.S. confirmed that it was in fact a rental unit that fell under the definition of a temporary vacation rental and charges were laid under the RDOS Bylaw 2800 and 2200, with \$3,500.00 levied in fines. The fines were disputed, however were upheld and paid by Graydon and Gail Peat.

For the RDOS Board's awareness. In addition to the TUP application submission of non-support, we are asking for the RDOS Board and it's applicable departments to complete a full review, including the RDOS Planning and Development Dept and the RDOS Building Licencing and Inspection Dept and Bylaw Enforcement Dept, in the issuance of building permit and final occupancy permit project #E2017.028 – Zone and take any applicable enforcement action to remedy the current situation, due to Graydon and Gail Peats alleged misrepresentation of information in their application for a building permit, project #E2017.028 – Zone and alleged contraventions of the RDOS Bylaw No.2805 and other enactments.

We allege that Graydon and Gail Peat have made repeated misrepresentations to the different levels of government currently involved, i.e. The Regional District Okanagan Similkameen (RDOS) Planning Development Dept, the RDOS Building Inspection and Licencing Dept and RDOS Bylaw Section and the BC Ministry of Water and Land Resources Stewardship, regarding their initial

application whereas they did not complete the proposed works and have not been in compliance with their Conditional Water Licence water use authorization granted under their Conditional Water Licence ##64279.

With respect to our alleging that their misrepresentation to the R.D.O.S. was by applying for a building permit and final occupancy permit for the secondary dwelling by misrepresenting the facts regarding their water licence. Albeit the R.D.O.S. has pointed to the Ministry of Water for actioning on the matters regarding the current standing of their water license.

We allege that the following offences have been committed, offences that we believe to be the purview of the R.D.O.S. under Building Bylaw 2805.

-We allege that they misrepresented themselves by signing an Owner's **Undertaking and Proof of Water** namely

(Failing to ensure compliance with the Building Code and the Bylaw and checking of that they had "other" water system in place).

- On a second occasion in their disputant rational of Bylaw Offence Notice for violations under Bylaw 2800, 2200 sec 5.4 Graydon Peat stated "We (sic) property is completely fenced on 3 ½ acres **and have full water** and septic licences"
- In their TUP permit application Graydon and Gail Peat once again checked off the box for Current method of water supply as "other".

Graydon and Gail Peats' recent inquiry with the Ministry of Water, Land and Resources Stewardship regarding their current conditional water license in relations to their TUP permit application, further shows that Graydon and Gail Peat are fully aware that they do not possess a water licence that authorizes them to supply domestic water use to 2 dwellings, let alone one of them being a commercial rental unit.

Under the RDOS Building Bylaw No.2805 2018 the RDOS has the authority to revoke a building permit and final occupancy permit and to serve notice to cease occupancy; we are requesting that this be considered as the action to be taken and set into place until the current shared water system reconfiguration is completed. In order to mitigate and lessen any risks by the added usage on the water system caused by a 2<sup>nd</sup> dwelling being occupied by Graydon and Gail Peat.

#### **Section 6.4 A Building Official may revoke a permit if,**

(c) The permit was issued in error or **on the basis of false or incorrect information;**

#### **Powers**

to applicable enactments, a *Building Official* may by notice in writing require

6.6

Subject

(a) A person who contravenes any provision of this bylaw to comply with that provision

within the time ordered:

(g) A person to cease any *occupancy* in contravention of a provision of this bylaw;

(j) An *owner* to correct any work that contravenes this bylaw, the *Building Code*, or any

other enactment.

Alleged contraventions under other enactments;

#### **BC Building Code Water Supply and Distribution Required Water Supply**

9.31. 3.1. (1) of the British Columbia Building Code (BCBC), states that "Every dwelling unit shall be supplied with potable water." (Currently two dwellings being supplied with water in noncompliance with their Conditional Water Licence).

## **BC Water Sustainability Act**

Section 106 (2) (b) (i): Divert water from a stream or aquifer without lawful authority (i.e. diverting water to two dwellings, currently being supplied with water in noncompliance with their water licence).

## **RDOS BUILDING BYLAW NO. 2805**

6.8 Every person served with a notice under this Part must comply with that notice

i. ii.

Within the time ordered or If no time is ordered, immediately.

## **Do Not Occupy Notice**

10.43 If a person occupies a *building* or *structure* or part of a *building* or *structure* in contravention of this bylaw, a *Building Official* may post a Do Not Occupy Notice in the prescribed form on the affected part of the *building* or *structure*

## **RDOS Building Bylaw 2805**

10.44 If a notice is posted under section 10.43, the *owner* of a parcel on which a Do Not Occupy Notice has been posted, and every other person, must cease *occupancy* of the *building* or *structure* immediately and refrain from further *occupancy* until all applicable provisions of the *Building Code* and this bylaw have been substantially complied with and the Do Not Occupy Notice has been rescinded in writing by a *Building Official*.

This water licence was issued to Graydon and Gail Peat in 1987, appurtenant to their property Lot 1 District Lot 391 Similkameen Division Yale District Plan 35614, and they have not been in compliance since the building of the secondary dwelling.

Graydon and Gail Peat are fully aware of the standing and allocations of their water licence.

Graydon and Gail Peat wilfully failed to disclose to the R.D.O.S. the limited authorization of water use granted in their water licence along with details and information regarding the water source to their property for the supply of water to this secondary dwelling, when they applied for their building permit for this secondary dwelling.

Graydon and Gail Peat had started converting an open barn into a dwelling without a building permit and were well into the build when they were caught by the RDOS Building Inspector for constructing without a building permit. The work was halted until such time a building permit was issued.

In our reviewing their RDOS building permit application it is noted that Graydon Peat checked off the box indicating "other" for water system type and we were advised that Graydon Peat signed an Owner's Undertaking acknowledging that he had reviewed and understood the provisions of the building code and his responsibility to ensure his compliance with the RDOS Bylaw and Building Code with any work completed. We are unsure whether actually proof of the water supply and Conditional Water Licence was shown and left us wondering how a building permit was issued for the secondary dwelling, given that the Peat's water license only allows water for **one** (primary) dwelling.

Further to this, when the primary dwelling is rented out to 6 occupants (at times with often more than six occupants) and the accessory dwelling having a minimum of 2 people living in it during the rental months, the amount of water being used, clearly exceeds the 500 gallons of daily consumption authorized. A dwelling with 4 occupants on average consumes 500 gallons per day and it is known that vacation rental units have a higher daily water consumption rate.

We also have concerns regarding incurred costs that extra wear and tear on the water system and strains caused by the unauthorized domestic water use with the second dwelling. Our concerns grew, and first became apparent, and were evidenced since the construction completion and occupancy of a secondary dwelling on Graydon Gail Peats property in 2017, building permit, project #E2017.028 - Zone.

In the span of 3 years after 2017, two lake pumps have been replaced, the first replacement occurring in 2021 at the insistence of Graydon and Gail Peat, who were seeking to ensure uninterrupted water supply during the vacation rental period of the primary dwelling. Even though the existing pump was in good working order.

The second instance of pump replacement occurred after the premature failure of the lake pump installed in 2021. This failure occurred during the Summer rental period while the Peats had renters in the primary dwelling and the Peats were residing on the property in the secondary dwelling. We were all without water for 4 days, until at which time a contractor was hired to replace the burnt out pump.

The original Lake Fed Water System was installed and licenced in 1981 issued to [REDACTED] with authorization for domestic water use to two buildings, prior to the subdividing of the property currently owned by Graydon and Gail Peat. In or around 1991/92 the water system was modified with the water cistern being installed and a diversion feed line being connected to Graydon and Gail Peats property.

We will proceed as instructed by the Ministry of Water, Land and Resources Stewardship with the decommissioning and deactivation of the current shared use water system, with our priority being the removal of the water cistern and reconfiguration of the water system into one that is deemed safe by the experts and serves solely our property.

We thank the RDOS in advance for their time and attention dedicated to this matter and respectfully request that the RDOS Board deny this Temporary Vacation Rental permit application at this time and defer any further decisions on the granting of said Temporary Vacation Rental permit and it's issuance, until such time that the issues described in this submission regarding the shared use water system are resolved.

Do to the seriousness and current dangerous condition of the shared use water system (cistern), should the RDOS Board grant a Temporary Vacation Rental permit to Graydon and Gail Peat we may feel compelled to exercise any and all legal recourse, including applying for a court injunction seeking to pause the granting of a Temporary Vacation Rental permit.

We do not believe it would be in the best interest of the collective group for the RDOS to approve this permit at this time when taking into consideration all of the risks posed to our health and safety, the safe guarding of our property, of neighbouring properties and the environment, all of which could be severely and negatively impacted should there be *another* water system failure involving the cistern. The worst case scenario of another failure could potentially result in loss of life or limb.

This public consultation document also serves the purpose of notifying the RDOS and to be fully aware of this dangerous situation.

Respectfully submitted

Dan and Sheanne Moskaluk

Attachments:

**Attachment #1** -Geotechnical Assessment report.

**Attachment #2** -Conditional Water Licence #64279 issued to Graydon and Gail Peat.

**Attachment #3** -Water Licence Application completed by Graydon and Gail Peat.

**Attachment #4** -Engineers Report on Water Application to Graydon and Gail Peat.

**Attachment #5** -Drawing of proposed water system works submitted by Graydon and Gail Peat.

**Attachment #6** -Drawing of actual work completed by Graydon and Gail Peat, showing location and installation of the unauthorized water cistern.

**Attachment #7**-Email response from Water Officer Tracy Wang of the Ministry of Water, Land and Resources Stewardship.

**Attachment #8** -Copy of Conditional water licence #64278 to Thomas and Elaine Peat, was transferred to Dan and Sheanne Moskaluk upon the purchase of the property.

**Attachment #9** -Copy of original Conditional Water Licence #56667 issued to John Victor Wilson (father of Elaine Peat) superseded by Conditional Water Licence #64278 issued to Thomas and Elaine Peat.



June 25, 2025

GFX-1204

Dan Moskaluk  
[REDACTED]

Existing Cistern Assessment  
6960 Indian Rock Road, Naramata, BC

### 1. Introduction

GFX was contacted by property owner, Dan Moskaluk, to meet on site to discuss and assess an existing cistern on the property. In 2021, a mudslide occurred on Mr. Moskaluk's property caused by a failure of the cistern's overflow system.

This report presents the findings of a geotechnical assessment of the existing fiberglass water cistern and associated shed, located on a slope approximately 35 m above the Moskaluk residence at 6960 Indian Rock Road, Naramata.

This assessment evaluates the safety and suitability of the existing cistern site, the related geotechnical risks, and the potential consequences of leakage or failure, particularly in light of the recent mudslide incident caused by a leak in the cistern overflow.

### 2. Work Completed

GFX completed the following tasks for this assignment:

- Consulted with Mr. Moskaluk to review his concerns related to the existing cistern and its placement.
- Conducted a visual assessment of the property, existing cistern, shed and surrounding area.
- Review of the Regional District of Okanagan Similkameen (RDOS) mapping, including hazard, environmental and topographic information.
- Reviewed available documents pertaining to the existing cistern.
- Prepare a short report to present assessment findings.

### 3. Site Description

The property at 6960 Indian Rock Road is situated on a steep, west-facing slope above Okanagan Lake, north of Naramata. A residential dwelling and detached garage sit approximately at the midpoint along the length of the property, with a steep slope located north and east of the house. Based on a visual assessment of the property, review of supplied mudslide photos, discussions with the property owner and knowledge of the area from past assignments, site soils comprise collapsible SILT and some areas of bedrock on the property. The cistern on the property is located east of the house and is in SILT soils.

During the site visit conducted on June 13, 2025, the slope was visually assessed. The area immediately surrounding the house is landscaped, while the remainder of the property consists mainly of pine trees, sage brush and natural drought resistant grasses which all add to the overall stability of the site soils as well as provide protection from erosion. The slope, located east of the house on the property ranges

between 20 degrees to almost 45 degrees in some areas. Currently, the slope on the property is stable; however, potential slow leakage of the existing cistern could lead to catastrophic failure of the slope above the residence at 6960 Indian Rock Road.

Evidence of a slide on the property was noted directly south the cistern. Photos and videos of the slide were provided by Mr. Moskaluk and reviewed by GFX. No evidence of recent movement was observed at the time of inspection, but the presence of prior slope failure features warrants caution in site planning and drainage management.

#### 4. Existing Cistern

The following is a summary based on a visual assessment of the existing cistern and shed, conducted June 13, 2025, along with a review of supplied documents, photos and accounts of events from the subject property owner.

A fiberglass water cistern (see Photo No. 1), approximately 12 feet in length and 5 feet 5 inches in diameter, with a total capacity of almost 8,000 litres, is located approximately 35 metres east of the residential dwelling at 6960 Indian Rock Road, Naramata (shown in *Figure 1 – Site Plan*). The estimated 35-year-old cistern approximately half buried into the SILT soils and is housed within a shed structure that was reconstructed by the current property owners in 2018 as the original structure was failing. As shown in *Figure 2 – Geologic Hazard Areas* and *Figure 3 – Environmentally Sensitive Development Permit Areas*, the existing cistern and shed are located in an area mapped by the Regional District of Okanagan Similkameen (RDOS) as “Hazard of materials sliding or slumping” (Pink Zone), as well as an area mapped as “Environmentally Sensitive Development Permit” (ESDP)/ “Important Ecosystem”.

Water is pumped from Okanagan Lake to fill the cistern, which supplies both the subject property (6960 Indian Rock Road) as well as an adjacent property with two residences (6898 and 6900 Indian Rock Road).

Through internet research, GFX understands that a fiberglass tank has a life expectancy of approximately 40 years, at the most. In this regard, the existing cistern on the property is nearing the end of its useful life span. If continued use of the system is required, a qualified person should be engaged to assess the tank, and perform any required maintenance.

#### 5. 2021 Mudslide

On June 4<sup>th</sup>, 2021, a mudslide occurred on the subject property (see Photo No. 2), attributed to a leak in the cistern's overflow system. GFX understands that an overflow float malfunctioned causing the overflow pipe to be used continuously (see Photo No. 3). This overflow pipe was damaged and leakage went unnoticed causing the SILT soils directly south of the cistern to become saturated triggering a mudslide approximately 60 feet in length, 20 feet wide and 10 feet in depth, that traveled down the slope toward a workshop on the property at 6960 Indian Rock Road. Through discussions with the Moskaluks's, it is understood that 7 dump truck loads of material were removed from their property after the slide.

The mudslide event on the property shows how susceptible these SILT soils are to collapse and debris flow once they are saturated (see Photo Nos. 7 & 8). A slow leak in any portion of the cistern water system is quite dangerous as it will go unnoticed until it is too late and the site soils will liquify and form a mudflow.

## **6. Safety and Suitability Assessment of Existing Cistern Location**

The current location of the cistern presents several geotechnical concerns. It is situated on a steep slope with a direct downslope path towards occupied structures, increasing the risk to property in the event of a failure. There is documented evidence of prior slope movement, reportedly triggered by water leakage from the system. Additionally, the cistern lacks engineered containment or anchoring measures, which further compromises its stability. Compounding these issues, the site lies within an environmentally sensitive development permit area, which may restrict mitigation options or trigger additional permitting requirements for any modifications or reconstruction.

In the event of even a slow leak or overflow, soil saturation has the potential to contribute to a catastrophic failure of the steep slope with actual anticipated volumes unknown at this time as this would depend on the length of time the tank was leaking as well as the actual volume of SILT soils overlying the bedrock in the area.

In the event of another mudslide or debris flow on the property, there is the potential for these saturated soils to flow towards the residence located on the subject property, which could cause damage to the building and its foundations or even worse, has the potential to cause injury or even death if the volume of soils is large enough.

In addition, such an event could also lead to environmental impacts, particularly due to the site's designation as an environmentally sensitive area, and may trigger regulatory requirements for remediation.

Based on the age of the cistern tank, GFX recommends it be replaced. If replacement is not immediately feasible, the tank should be assessed by a qualified individual for potential leaks, etc.. However, replacement of the cistern in its current location is NOT recommended, as it is situated directly upslope of the residence on the subject property (see Photo Nos. 4, 5, and 6). Relocating the tank to a more stable and lower-risk area is strongly advised.

## **7. Cistern Replacement and Relocation Considerations and Recommendations (Siting, Design and Maintenance)**

Given the age of the existing cistern (approximately 35 years), and related slope instability due to overflow system failure, replacement and relocation of the cistern should be carefully planned with both geotechnical and environmental factors in mind. The following considerations and recommendations are provided to guide future design and siting decisions, as well as maintenance planning.

### Location and Siting

A new cistern should ideally be installed in a location with a reduced slope gradient, sufficient horizontal separation from occupied structures, and outside of any designated environmentally sensitive areas, where feasible. Relocating the cistern to a more stable and geotechnically suitable site is recommended and will reduce the risk of future slope instability and may simplify regulatory requirements. However, relocation may require both residences to pump water, as the system would no longer be gravity-fed. Cistern relocation recommendations can be explored further, if required.

### Anchoring and Containment

The replacement cistern should be anchored or structurally supported to resist sliding or settlement, especially on sloped ground. An engineered containment system or retaining structure may be required depending on slope geometry and soil conditions. Settlement of the cistern is a concern as shifting and settling of the tank could pose stresses on the tank potentially causing cracks and/or leakage which is a concern especially with the current siting and given that the tank is half buried and a leak could go undetected for an extended period of time.

### Foundation Preparation

Subgrade should be properly compacted and potentially over-excavated and replaced with structural fill to ensure uniform support and mitigate settlement. A concrete pad or engineered base may be appropriate depending on cistern size and material.

### Drainage and Overflow Control

A controlled overflow system and appropriate surface water management are critical. Drainage features should direct overflow and incidental runoff safely away from the slope and residence, preventing further erosion or instability.

If the existing cistern remains in use or the replacement of the cistern in its current location is required (both of which are strongly discouraged), a leak detection system should be installed for the cistern and its overflow. In addition, an alarm should be incorporated to indicate that the overflow is in use. This should signal the property owners to inspect the system to determine why the overflow is in use, as there may be other underlying issues with the system that require attention. Regular inspection and proper maintenance of the water system is imperative to reduce risk.

### Maintenance and Monitoring

Proper maintenance and routine inspection of the cistern and overflow system are critical to reducing the risk of system failure and associated hazards. Over time, components such as the tank, associated piping, joints, and overflow outlets can deteriorate or become compromised, particularly in systems located on sloped terrain. As stated above, undetected leaks can lead to soil saturation, increasing the potential for slope instability (mudslide or debris flow). To ensure continued safe operation, the system should be regularly inspected, tested for leaks, and maintained by a qualified individual in accordance with manufacturer recommendations and site-specific conditions. This applies whether the existing cistern remains in use (strongly discouraged) or is replaced, as regular maintenance is essential for both new and aging systems.

## **8. Closure and Conclusions**

This report was prepared for Dan Moskaluk, with respect an existing cistern located on his property at 6960 Indian Rock Road, Naramata.

This assessment was based on a visual inspection of the property, focused on the cistern, shed, and surrounding area; a review of RDOS mapping resources; available documentation related to the existing cistern and its overflow system; and documented accounts of the recent overflow system failure and resulting mudslide.

Based on our assessment, the condition and placement of the existing cistern pose a measurable risk, particularly given its age and its location directly upslope of a residential structure. The 2021 mudslide event further illustrates the existing geotechnical vulnerability.

Provided the recommendations outlined in this report are followed, replacement and relocation to a more geotechnically suitable area on the property are strongly recommended. Whether the existing tank remains in service or a new system is installed, regular inspection, monitoring, and maintenance are critical to minimizing the potential for leakage, soil saturation, and associated slope instability. Future siting should account for factors such as surface drainage, slope stability, and accessibility to support long-term system performance, maintenance and risk reduction.

The work was completed in accordance with generally accepted geotechnical engineering practice. No other warranty is expressed or implied.

GFX remains available to assist with any future work and can be contacted to review geotechnical aspects of the cistern replacement/relocation, as needed.

  
Amber LeComte, P. Eng.  
Ground FX Geotechnical Inc.  
EGBC Permit No. 1004765

  
JUNE 25  
2025

- Attachments: 1) Site Photos  
2) Figure 1 – Site Plan  
3) Figure 2 – Geologic Hazard Areas  
4) Figure 3 – Environmentally Sensitive Development Permit Areas



Photo No. 1 – View of cistern inside housing.  
(June 13, 2025)





Photo No. 2 – View looking south along area where mudslide occurred below the cistern.  
(June 13, 2025)

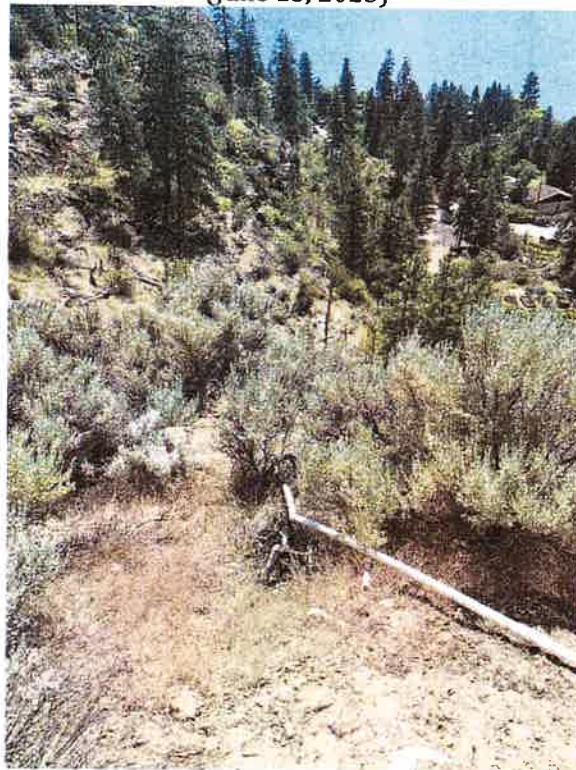


Photo No. 3 – View looking south at overflow piping that was replaced after mudslide.  
(June 13, 2025)



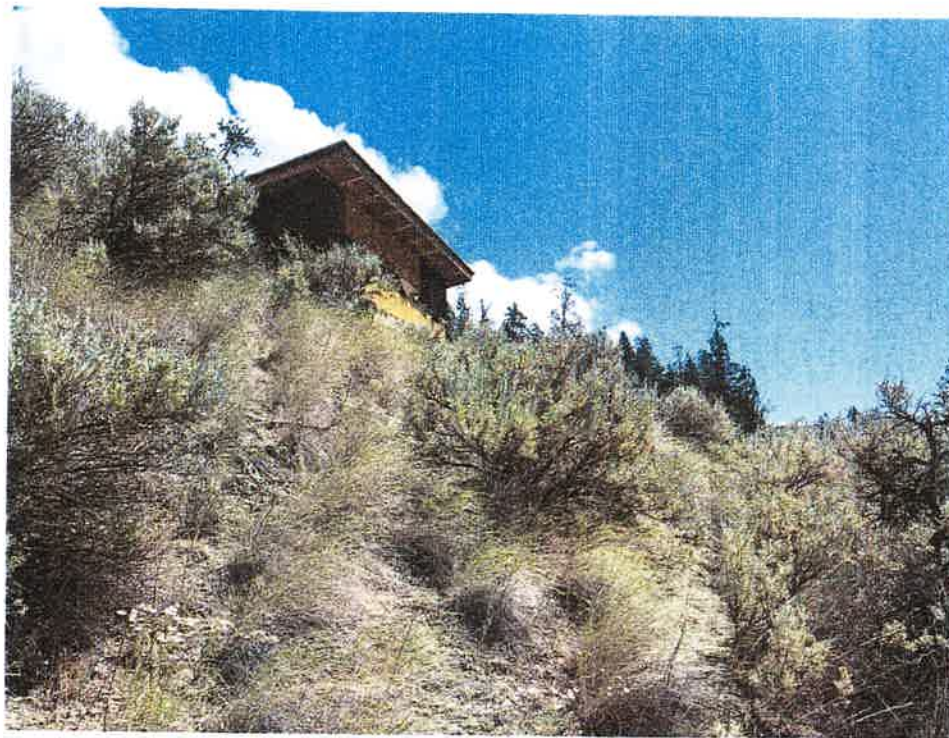


Photo No. 4 – View looking east towards cistern and shed.  
(June 13, 2025)

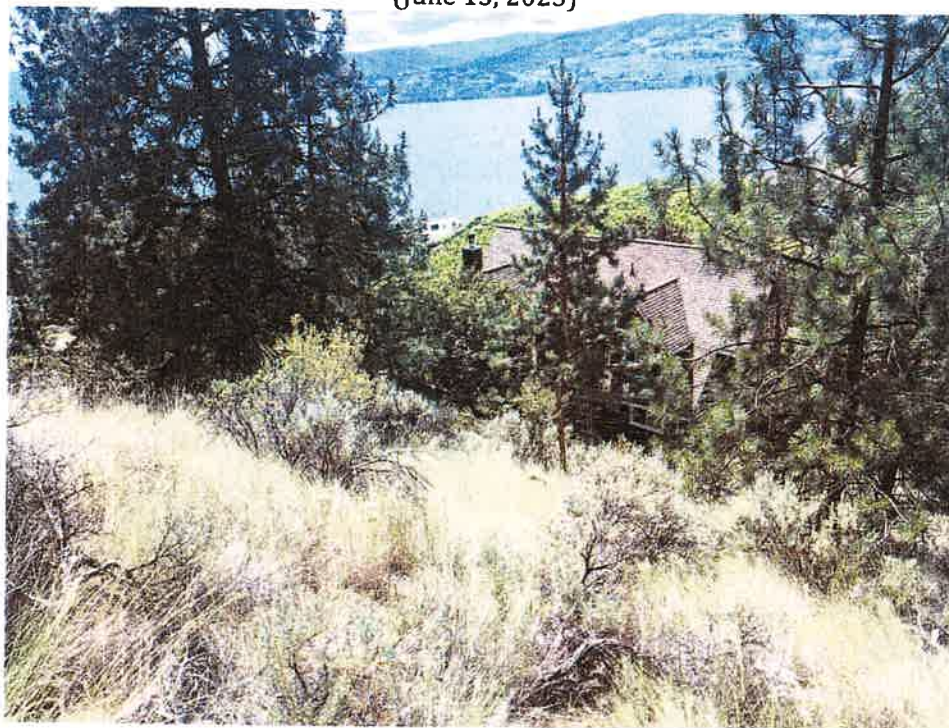


Photo No. 5 – View looking west from just below cistern towards house.  
(June 13, 2025)





Photo No. 6 – View looking east from house towards cistern above.  
(June 13, 2025)

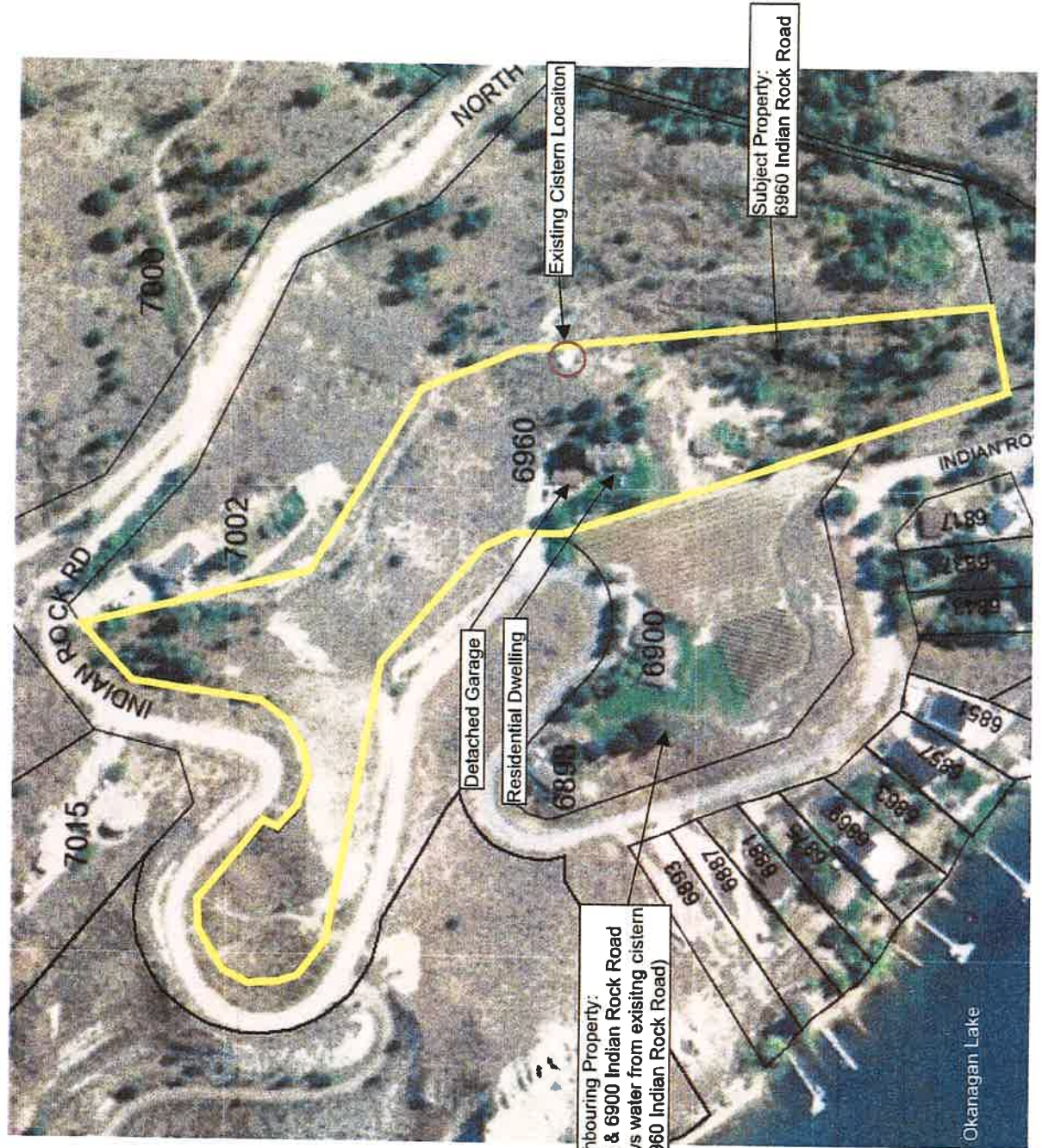


Photo No. 7 –View looking northwest towards mud slide (2021 - photo provided by client)  
(2021 – Photo provided by client)





Photo No. 7 –View looking northwest towards mud slide  
(2021 – Photo provided by client)



**GROUND FX**

PO Box 22042  
RPO Pentiction Plaza  
Penlcton, BC V2A 8L 1

Project No.:  
GFX- 1204

Address:  
6960 Indian Rock Road,  
Naramala

Date:  
June 24, 2025

Design		
Drawn	KT	2025 06 24
Check		

Revisions:

EGBC Permit No. 1004765

Base Plan: RDOS Public Parcel Viewer

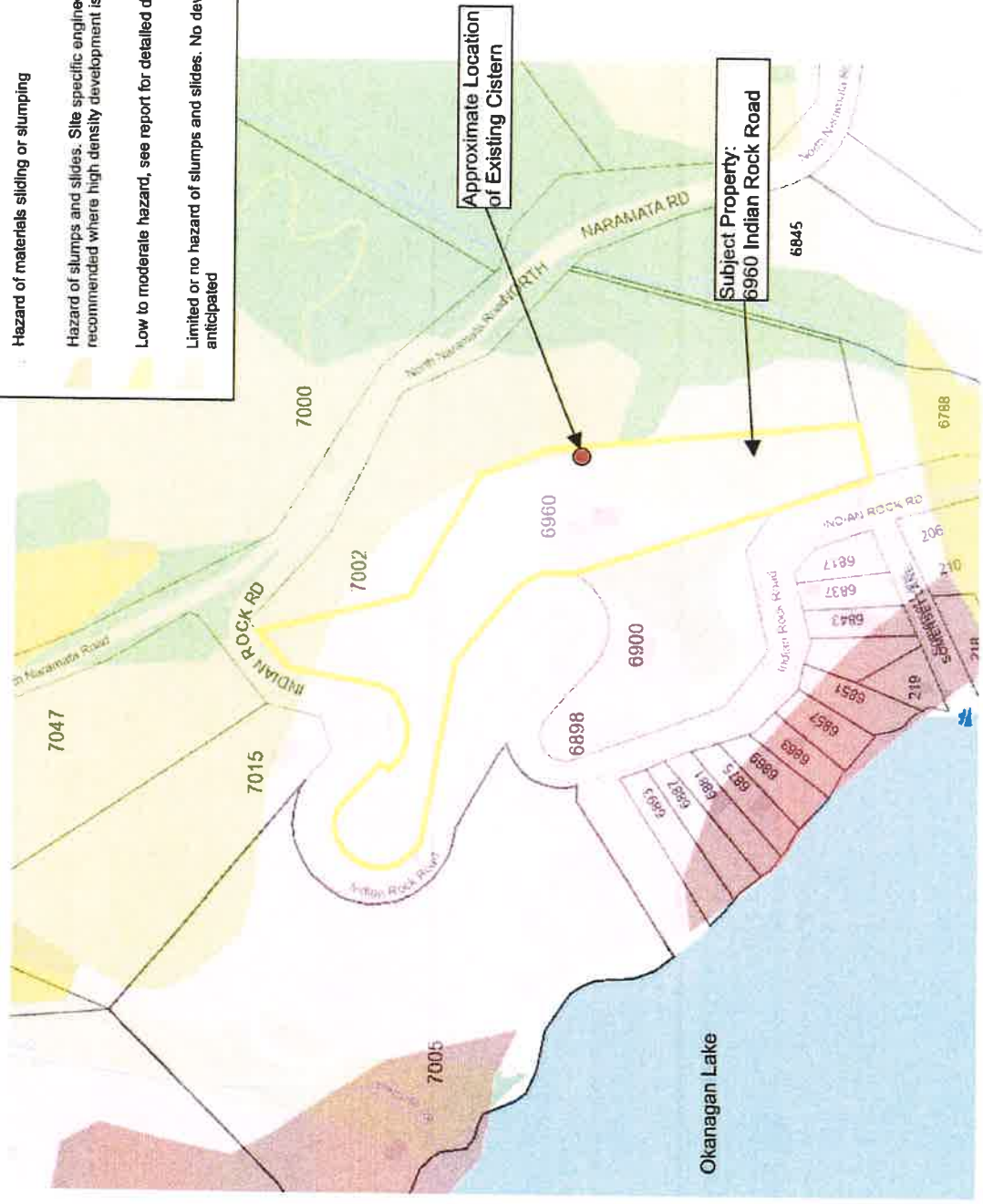
Figure 1 - Site Plan





**Geologic Hazards - G.G. Ruka Soil Stability Ratings**

- Hazard of land receiving slide or slump materials from above
- Hazard of materials sliding or slumping
- Hazard of slumps and slides. Site specific engineering investigations recommended where high density development is anticipated.
- Low to moderate hazard, see report for detailed description
- Limited or no hazard of slumps and slides. No development problems anticipated



GROUND FX

PO Box 22042  
RPO Pentiction Plaza  
Pentiction, BC V2A 8L1

Project No.:  
GFX- 1204

Address:  
6960 Indian Rock Road,  
Naramata

Date:  
June 20, 2025

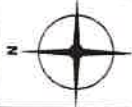
Design		
Drawn	KT	2025 06 20
Check		

Revisions:

EGBC Permit No. 1004765

Base Plan: RDOS Public Parcel Viewer with Geologic Hazard Layer

Figure 2 - Geologic Hazard Areas



GROUND FX

PO Box 22042  
RPO Penticon Plaza  
Penticon, BC V2A 8L1

Project No.:  
GFX-1204

Address:  
6960 Indian Rock Road,  
Naramata

Date:  
June 20, 2025

Design		
Drawn	KT	2025 06 20
Check		

Revisions:

EGBC Permit No. 1004765

Base Plan: RDOS Public Parcel Viewer with Environmentally Sensitive Development Permit Areas Layer

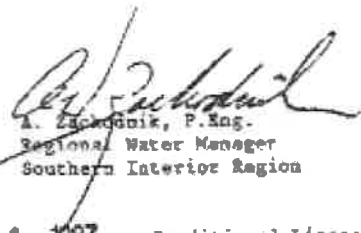
Figure 3- Environmentally Sensitive Development Permit Areas

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT  
CONDITIONAL WATER LICENCE

Graydon A. and Gail A. Feat of 1843 East 6th Avenue, Vancouver, British Columbia,  
V5M 1P4

are hereby authorized to divert and use water as follows:

- (a) The source of the water-supply is Okanagan Lake.
- (b) The point of diversion is located as shown on the attached plan.
- (c) The date from which this licence shall have precedence is 18th March 1986.
- (d) The purpose for which this licence is issued is irrigation and domestic.
- (e) The maximum quantity of water which may be diverted for irrigation purpose is 6.4 acre feet per annum and for domestic purpose is 500 gallons a day.
- (f) The period of the year during which the water may be used for irrigation purpose is 1st April to 30th September and for domestic purpose is the whole year.
- (g) The land upon which the water is to be used and to which this licence is appurtenant is Lot 1 of Lot 391, Similkameen Division of Yale District Plan 35614 of which 3.2 acres may be irrigated.
- (h) The works authorized to be constructed are diversion structure, pump, pipe and sprinkler system, which shall be located approximately as shown on the attached plan.
- (i) The construction of the said works has been completed and the water beneficially used on or before the 31st day of December, 1988.
- (j) This licence authorizes the use of water for domestic purpose in one dwelling located approximately as shown on the attached plan.
- (k) The works authorized under clause (h) hereof shall be constructed to operate within a lake elevation of 1116.8 to 1125.6 feet.

  
A. Zachonik, P. Eng.  
Regional Water Manager  
Southern Interior Region



(Signature of applicant)

# Engineer's Report on a Water Application

Water District Penticton File No.: 8000778  
Penticton: Penticton  
Applicant Graydon Andrew and Gail Ann Peat  
Address 1843 East 6th Ave., Vancouver, B.C. V5N 1P4  
Source Okanagan Lake Trib. to Okanagan River  
Priority March 18, 1986 Est. flow Controlled

Appurtenant land Lot 1, Plan 35614, D.L. 391, S.B.Y.D.

Works constructed are diversion structure, pump, pipe and sprinkler system.

It is recommended that this application be granted for:

<u>Purpose</u>	<u>Quantity</u>	<u>Duty</u>	<u>Acres</u>	<u>Period of Use</u>
Domestic	500 gal/day	-	-	All year
Irrigation	6.4 Ac/Vt	2	3.2 Acres	Apr. 1 - Sept. 30

## A ADMINISTRATIVE REPORT

### 1. CLEARANCE AND DRAFTING INFORMATION

- (a) No stream register notes required.
- (b) No changes or errors were noted in the Clearance Sheet.
- (c) No Right-of-Way Permits required.
- (d) The works under this application will be joint in part with his brother under C.W.L. 56667.
- (e) The applicants are the registered owners of the dominant land under Certificate of Title X34941, a copy of which is attached.
- (f) A sketch is attached indicating the approximate location of the works and the source.

### 2. GENERAL OFFICE DATA

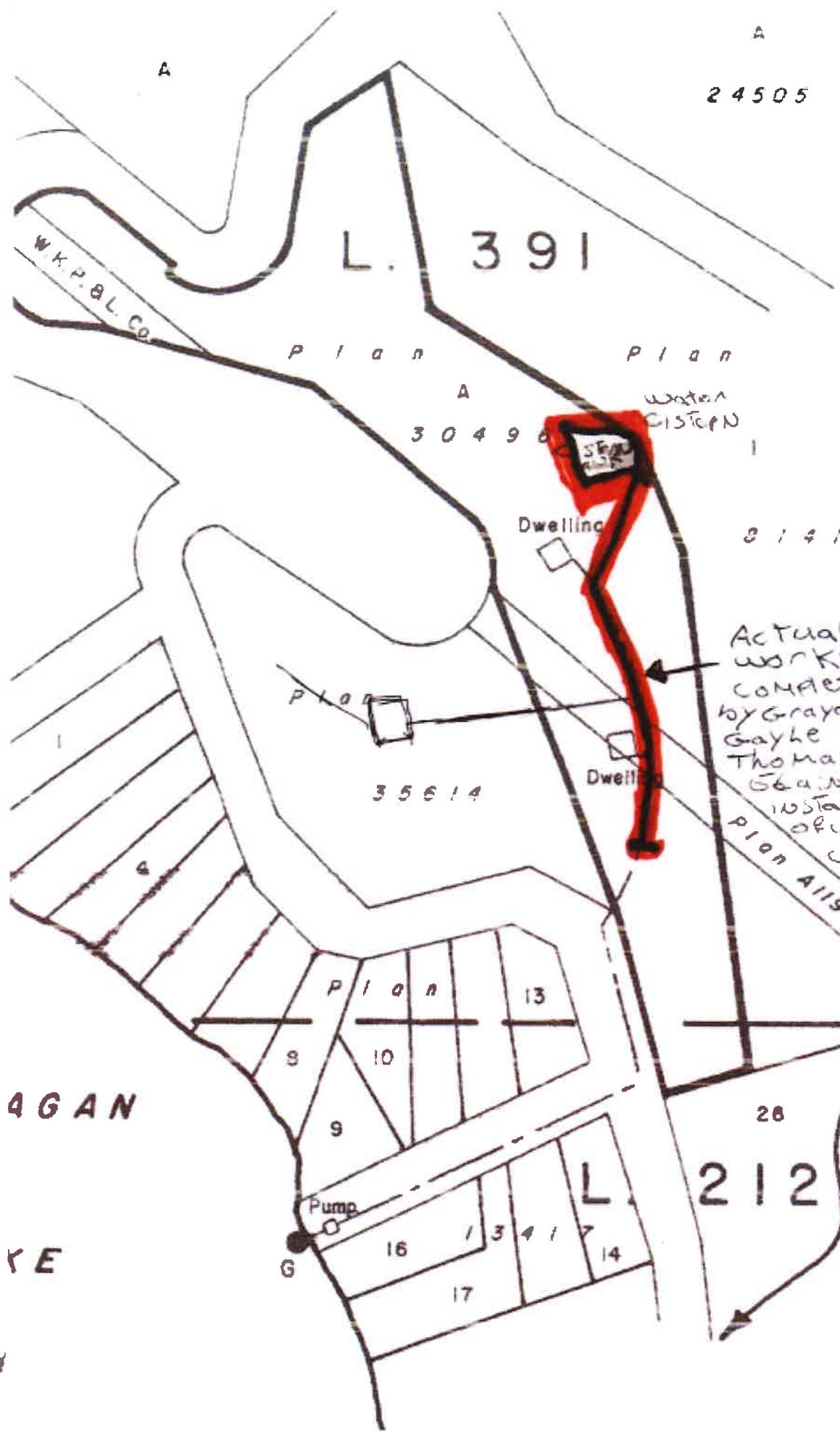
- (a) Quantity applied for has been changed to a lesser irrigated quantity because the actual assessed acreage was 3.2 acres instead of 3.5 acres, the applicant should be advised in the Letter of Allowance.
- (b) There are no objections to this application on the Regional office files.
- (c) The following special clause(s) should be included in this licence.  
This licence authorizes the use of water for domestic purposes in one dwelling(s) located approximately as shown on the attached plan.  
The works authorized under clause (b) hereof shall be constructed to operate with a lake elevation of 1116.8 to 1125.6 feet.
- (d) The amendment report for C.W.L. 56667 is being forwarded under separate cover.
- (e) There is one dwelling/building to be served under this application; none is constructed.
- (f) This application was inspected on the ground on October 20, 1986, and discussed with Mr. Peat on various occasions.

Inspected near Penticton  
Date October 20, 1986  
By A. Here Date December 22, 1986  
A. Here, Technician  
A. Zackodnik, P.Eng., Regional Water Manager





A  
24505



On Wed, Feb 21, 2024 at 2:31 PM Wang, Tracy WLRS:EX <[Tracy.Wang@gov.bc.ca](mailto:Tracy.Wang@gov.bc.ca)> wrote:  
Hello Dan,

From the email you sent to our office this morning dated Feb 21, 2024, shows that you are not very satisfied of our conversation yesterday, and you would like to have fulsome written email response to the questions you mentioned below. Please find out the answers in red provided below.

If you have any questions or concerns, please feel free to contact me.  
Thanks for the inquiry,

**Tracy Wang**

Water Officer - Water Authorizations  
Permitting Transformation Division, Authorizations Branch  
Thompson Okanagan Region  
[102 Industrial Place, Penticton, BC V2A 7C8](#)  
Email: [Tracy.Wang@gov.bc.ca](mailto:Tracy.Wang@gov.bc.ca) Tel: (778)622-6825  
Ministry of Water, Land and Resource Stewardship

**From:** Dan Moskaluk [REDACTED]  
**Sent:** Thursday, December 14, 2023 8:34 AM  
**To:** FrontCounter BC Kamloops (TO) FOR:EX <[FrontCounterBC.Kamloops@gov.bc.ca](mailto:FrontCounterBC.Kamloops@gov.bc.ca)>  
**Subject:** Information inquiry pertaining to Lake Fed residential system licence C064278 civic [lot 6960 Indian Rock Rd Naramata BC](#)

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Good afternoon,

I am looking for any information and documents pertaining to the installation and any recorded modifications of our lake fed water system licence C064278, attached to civic address 6960 Indian Rock Rd Naramata BC, the licence is dated April 6, 1987.

To date I have obtained two documents from your agency:

Plan drawing dated April 6th, 1987 and Conditional Water Licence #64278 dated April 6th, 1987.

Yes, normally, the water licence and plat are the two documents we send to the licensees.

At some point in time, a modification to the system was made and included a reservoir being installed on my property Plan A 30496 and a tie in to the neighbouring property civic address of 6900 owned by Graydon Peat lot shown as Plan 1 35614.

No modification to the works of the water system has been documented in our office, let along the reservoir tied to the neighboring property. The only and same works mentioned in the original licence (superseded) C056667 and the current licence C064278 are diversion structure, pump, pipe and sprinkler system.

Please refer to the attached WLs of C064278 and C056667(superseded by C064278).

Are there any documentation, plan drawings or other licences showing this modification and addition of a dwelling on lot Plan 1 35614?

No document from our office shows the modification and addition of a dwelling on Lot 1, plan 35614. The original WL application requested for two buildings to be served with water, but during the site visit on Oct 20, 1986, the officer had a discussion with Mr. Peat on various occasions, only one dwelling/building allowed to be served under licence #64279, FN 8000778 was determined in the Engineering Report.

PDF file of "FN8000778 Tech report and application" is attached for your reference.

We are aware that Graydon Peat is the holder of a separate water licence pertaining to his property which the source is the water system referenced on our licence.

Both licences have the same water source: Okanagan Lake. The works under licence C064279 is joint in part with his brother under WL C056667, which was superseded by C064278.

PDF file of "FN8000778 Tech report and application" is attached for your reference.

Would Graydon Peat have had to include details of these system modifications in order to obtain his licence?

During the time, Mr. Peat applied a new separate licence for the property Lot 1 PLAN 35614, he mentioned the works under the later issued C064279, which is shown on the plat.

The plat C064279 is attached for your reference.

Are there any documents and drawings of this modification as it would have been completed on our property prior to our ownership?

No, the licence issued on April 6, 1987, is the most current document archived. Joseph and Sheanne Moskaluk took possession of the property is on Dec 31, 1997.

The work would have been conducted between Graydon Peat and his brother Thomas Peat the previous owner of the property f some time in the late 80s, early 90s.

Paragraph C) states "The date from which this licence will have precedence is February 18th, 1981."

What does this mean? Does this licence have legal precedence over a licence obtained at a later date that pertains to the same water system, i.e. the water licence held by Graydon Peat and obtained at a later date?

The licence C064278 is the one that supersede C056667, therefore, it carried the precedence of C056667, which is Feb 18<sup>th</sup>, 1981.

However, WL C064279, hold by Graydon Peat, was applied on March 18, 1986, so the precedence is issued based on the application submission date.

The precedence date means FIRST COME, FIRST IN USE. Therefore, the prior date means a priority in the date of water use.

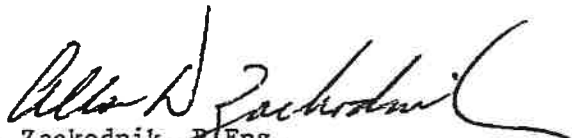
Yes, the licence with an earlier precedence date has legal privilege over the licence obtained later. When water scarcity happens, the precedence date might be a tool to be used to shut down some water users with later precedence date.

# CONDITIONAL WATER LICENCE

Thomas S. and Elaine F. Peat of R.R. #1, Naramata, British Columbia VOH 1N0

are hereby authorized to divert and use water as follows:

- (a) The source of the water-supply is Okanagan Lake.
- (b) The point of diversion is located as shown on the attached plan.
- (c) The date from which this licence shall have precedence is 18th February, 1981.
- (d) The purpose for which this licence is issued is irrigation and domestic.
- (e) The maximum quantity of water which may be diverted for irrigation purpose is 6 acre feet per annum and for domestic purpose is 1,000 gallons a day.
- (f) The period of the year during which the water may be used for irrigation purpose is 1st April to 30th September and for domestic purpose is the whole year.
- (g) The land upon which the water is to be used and to which this licence is appurtenant is Lot A of Lot 212 and Lot 391, Similkameen Division of Yale District, Plan 30496; except Plan 35614 of which 3 acres may be irrigated.
- (h) The works authorized to be constructed are diversion structure, pump, pipe and sprinkler system, which shall be located approximately as shown on the attached plan.
- (i) The construction of the said works has been completed and the water beneficially used on or before the 31st day of December, 1988.
- (j) This licence authorizes the use of water for domestic purpose in two dwellings located approximately as shown on the attached plan.
- (k) The works authorized under clause (h) hereof shall be constructed to operate within a lake elevation of 1116.8 to 1125.6 feet.
- (l) This licence is issued in substitution of Conditional Water Licence 56667.

  
A. Zackodnik, P. Eng.  
Regional Water Manager

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT  
CONDITIONAL WATER LICENCE

John V. Wilson of R.R. #1, Naramata, B.C. V0H 1N0

is hereby authorized to divert and use water as follows.

- (a) The source of the water-supply is Okanagan Lake.
- (b) The point of diversion is located as shown on the attached plan.
- (c) The date from which this licence shall have precedence is 18th February, 1981.
- (d) The purpose for which the water is to be used is irrigation and domestic.
- (e) The maximum quantity of water which may be diverted for irrigation purpose is 6 acre feet per annum and for domestic purpose is 1,000 gallons a day, and such additional quantity as the Engineer may from time to time determine should be allowed for losses.
- (f) The period of the year during which the water may be used for irrigation purpose is 1st April to 30th September and for domestic purpose is the whole year.
- (g) The land upon which the water is to be used and to which this licence is appurtenant is Lot A of Lots 391 and 212, Similkameen Division of Yale District, Plan 30496, of which 3 acres may be irrigated.
- (h) The works authorized to be constructed are diversion structure, pump, pipe and sprinkler system, which shall be located approximately as shown on the attached plan.
- (i) The construction of the said works has been commenced and shall be completed and the water beneficially used on or before the 31st day of December, 1984.
- (j) This licence authorizes the use of water for domestic purpose in two buildings located approximately as shown on the attached plan.
- (k) The works authorized under clause (h) hereof shall be constructed to operate with a lake elevation range of 1,116.8 feet to 1,125.6 feet.

  
J.B. Farrell,  
Deputy Controller of Water Rights.

File No. 0367941 Date issued: 1st April, 1982

Conditional Licence 56667

SUPERCEDED BY

LICENCE NO. C64278

