

THE CHAIRMAN: No. He has a licence for lot 113.

MR. BALLS: Oh yes.

THE CHAIRMAN: And the Indians have been preventing him from taking the water.

MR. ALEXANDER: That record dates from 1875, so that it is long prior to the allotment of the Indian Reserves.

THE CHAIRMAN: You see the allotment mentions specifically it is to be the unappropriated water so they knew it was appropriated at that time.

MR. ELLIS: The Indians seem to have the right idea. They insist their rights are prior to all others whether such rights have been recorded or not. Maybe that will make a Privy Council case. What are you going to do there, Mr. Balls?

MR. BALLS: I don't know that there is anything I can do. There is a prior record on the stream.

MR. ELLIS: What is the supply?

MR. BALLS: There is hardly sufficient water in the stream to fight about.

THE CHAIRMAN: Yes, there is very little.

MR. BALLS: Very, very little water and the Indians divert the whole flow at their ditch-head and they make very good use of what little water there is. I don't know whether the prior record-holders intended to divert water above or below the Indians.

THE CHAIRMAN: I believe he has commenced work to divert it above the Indians.

MR. PATTON: That is now owned by the Summerland Fruit Company.