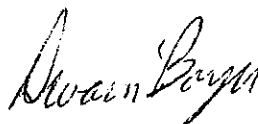


CONDITIONAL WATER LICENCE

The owners of the land to which this licence is appurtenant are hereby authorized to divert and use water as follows:

- (a) The source on which the rights are granted is Sitkum Creek.
- (b) The point of diversion is located as shown on the attached plan.
- (c) The date from which this licence shall have precedence is 24th January, 1961.
- (d) The purpose for which this licence is issued is irrigation.
- (e) The maximum quantity of water which may be diverted is 0.9 acre foot per annum.
- (f) The period of the year during which the water may be used is 1st April to 30th September.
- (g) The land upon which the water is to be used and to which this licence is appurtenant is that part of Parcel E (see 214911) of District Lot 4398, Kootenay District, lying south of Highway 3A, Plan NEP19431 of which 0.72 acre may be irrigated.
- (h) The authorized works are diversion structure, tank, 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 is being used. The licensee shall continue to make regular beneficial use of the water in the manner authorized herein.
- (j) This licence is issued pursuant to the provisions of the Water Act to ensure compliance with that statute, which makes it an offence to divert or use water from a stream in British Columbia without proper authorization. It is the responsibility of the licensee to ensure that all activities conducted under this authorization are carried out with regard to the rights of third parties, and comply with other applicable legislation that may be in force.
- (k) This licence is issued in substitution of Conditional Water Licence 70909, in part.



Dwain Boyer, P. Eng.
Assistant Regional Water Manager
Water Stewardship Division – Nelson
Ministry of Environment

Date Issued:

March 15, 2006

File: 0234775

CONDITIONAL LICENCE: 121037



PERMIT UNDER THE WATER ACT AUTHORIZING THE OCCUPATION OF CROWN LAND

The holder of Conditional Water Licence 121037 whose licence authorizes the diversion and use of water from Sitkum Creek, is hereby authorized to occupy Crown land by constructing, maintaining and operating thereon the works authorized under the said licence.

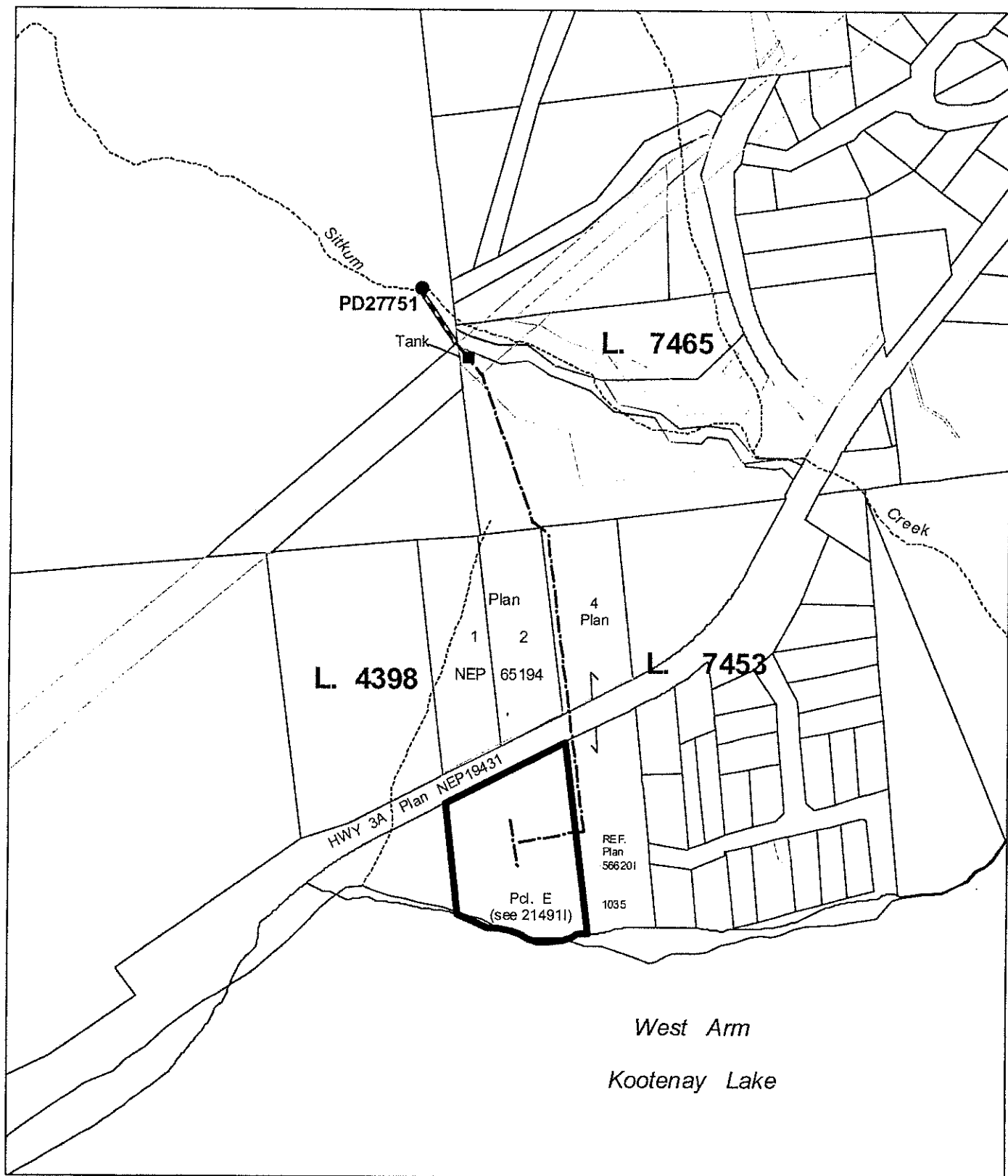
- (a) The Crown land which is authorized to be occupied under this permit is a portion of Unsurveyed Crown Land, Kootenay District, lying west of District Lot 7465, the location of which is shown approximately on the plan attached to the said water licence.
- (b) The approximate dimensions of the Crown land authorized to be occupied under this permit are 150 feet (45.7 metres) in length by 15 feet (4.6 metres) in width for an area of 0.05 acre (0.02 hectare).
- (c) Prior to the cutting or destruction of any timber, necessary to permit construction and maintenance of the said works and clearing of the said lands, the permittee shall apply for and obtain a licence to cut timber from the Ministry of Forests, District Manager. The amount of stumpage, royalty and/or compensation payable to the Crown in respect of trees, including merchantable or young growth, cut, removed, damaged, or destroyed by the permittee, shall be the sum or sums fixed by the Forest Service of the Province of British Columbia.
- (d) This permit is appurtenant to the land, mine, or undertaking to which the aforesaid water licence is appurtenant.
- (e) This permit shall become void if the water licence with respect to which the permit is issued should terminate, be abandoned or cancelled, or amended so as to render this permit unnecessary.
- (f) This permit is issued and accepted on the understanding that the permittee shall indemnify and save harmless the Government of the Province of British Columbia for all loss, damage to works, cost or expense suffered by the permittee by reason of the Crown land or any portion thereof being submerged or damaged by erosion.
- (g) The holder of this permit shall not be entitled to compensation if the Crown grants permits to other persons to occupy the land affected by this permit.
- (h) In the event of a dispute at any time with respect to the area or boundaries of the land affected by this permit, the holder shall, at his own expense, have the said land surveyed by a duly authorized surveyor.
- (i) This permit replaces Permit No. 18022.

Dwain Boyer, P. Eng.
Assistant Regional Water Manager
Water Stewardship Division – Nelson
Ministry of Environment

Date Issued: *March 15, 2006*



BRITISH
COLUMBIA



WATER DISTRICT:
PRECINCT:
LAND DISTRICT:

NELSON
NELSON
KOOTENAY

Signature: *Devin Brown*
Date: *March 15, 2006*

LEGEND:

Scale: 1:5,000
Point of Diversion: ●
Map Number: WR 5230D
Pipe: ————
Permit over Crown Land: ————

C.L. 121037 for CL 70909 in part
File: 0234775
PCL: 25354 for PCL 18022 in part

The boundaries of the land to which this licence
is appurtenant are shown thus: ————