



Province of British Columbia

Water Act

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 stream on which the rights are granted is Polecabin Creek.
- b) The points of diversion and re-diversion are located as shown on the attached plan.
- c) The date from which this licence shall have precedence is March 22, 1957.
- d) The purpose for which this licence is issued is irrigation.
- e) The maximum quantity of water which may be diverted for irrigation is 15,640 cubic metres per year.
- f) The period of the year during which the water may be used is April 1 to September 30.
- g) The land upon which the water is to be used and to which this licence is appurtenant is Legal Subdivision 7 of Section 3, Township 29, Range 22, West of the 5th Meridian, Kootenay District except Plan EPP23498, of which 2.05 hectares may be irrigated.
- h) The authorized works are diversion structure, division tank, pipe, ditch, re-diversion structure, and irrigation system, which shall be located approximately as shown on the attached plan.
- i) The construction of the said works shall be completed and the water shall be beneficially used prior to December 31, 2017. Thereafter, the licensee shall continue to make regular beneficial use of the water in the manner authorized herein.
- j) This licence is issued under the *Water Act* (the Act). The exercise of rights under the licence is subject to the Act and its regulations, the terms and conditions of the licence, orders under the Act and the rights of licensees whose rights have precedence on the stream. The licensee must comply with all such requirements, as well as the provisions of all other applicable enactments. In exercising rights under the licence, the licensee must exercise reasonable care to avoid damaging land, works, trees or other property, and must make full compensation to the owners for damage or loss resulting from construction, maintenance, use, operation or failure of the works.
- k) Construction, maintenance or operation of the works outlined in clause (h) shall not result in the lowering or weakening of the natural stream bank or any existing bank protection works.
- l) All water diverted must pass through a division tank constructed to specifications set by an Engineer under the *Water Act* and maintained by the licensee.
- m) When required to do so by the Comptroller or the Regional Water Manager, the licensee shall install a pipeline to convey the water from the point of diversion to the place of use and shall discontinue the use of any ditch.
- n) This Licence is issued in substitution of Conditional Water Licence 48780.

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