



# Province of British Columbia

## *Water Act*

### CONDITIONAL WATER LICENCE

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

- a) The stream on which the rights are granted is Smith 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 5th August, 2014.
- d) The purpose for which this licence is issued is land improvement.
- e) The maximum quantity of water which may be diverted for land improvement is the whole flow.
- f) The period of the year during which the water may be diverted is the whole year.
- g) The land upon which the water is to be used and to which this licence is appurtenant is the land improvement project of the licensee within District Lot 5058 Osoyoos Division Yale District, except plans 15774, H18426, KAP46771 and KAP85028.
- h) The authorized works are diversion structure, diversion channel and ponds 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 31st December 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) The licensee must not commence decommissioning of the Smith Creek Dam or construction of the new Smith Creek base flow channel until leave is given in writing by a Dam Safety officer under the Water Act.
- l) The works identified in this licence shall be maintained as per the frequency and techniques outlined in the Smith Creek Realignment Draft Operations Maintenance and Surveillance document dated July 29th 2015.



Ray Reilly  
Assistant Regional Water Manager