



Province of British Columbia

Water Sustainability Act

CONDITIONAL WATER LICENCE

The owner of the mine to which this licence is appurtenant is hereby authorized to divert and store water as follows:

- a) The stream on which the rights are granted is Swift Pit Spring.
- b) The point of diversion is located as shown on the attached plan.
- c) The date from which this licence shall have precedence is April 13, 2016.
- d) The purposes for which this licence is issued are Miscellaneous Industrial (Sediment Control) and Miscellaneous Industrial (Dewatering).
- e) The maximum quantity of water which may be diverted under this licence for Miscellaneous Industrial (Sediment Control) and Miscellaneous Industrial (Dewatering) is 0.7 cubic metres per second, and the maximum quantity which may be stored is 32,600 cubic metres.
- f) The period of the year during which the water may be used is the whole year.
- g) This licence is appurtenant to the mining project of the licensee authorized by Mines Act Permit C-3 within District Lots 6980, 6639, 6699, 16964, 3454, 6981, 6638, 6698, 6982, and 6637, Kootenay District, and water may be used on those lands.
- h) The authorized works are a diversion channel, sedimentation ponds and a dam, 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, 2019. Thereafter, the licensee shall continue to make regular beneficial use of the water in the manner authorized herein.
- j) The rights granted under this licence are subject to a water reservation established by Order in Council No. 028/2016 dated January 28, 2016.
- k) The licensee shall install a flow measuring device to the satisfaction of an Engineer under the *Water Sustainability Act*.
- l) The licensee shall install a temperature measuring device to the satisfaction of an Engineer under the *Water Sustainability Act*.
- m) The licensee shall retain flow meter and temperature meter records for inspection upon request by an Engineer under the *Water Sustainability Act*.

- n) The licensee must:
 - (1) Prepare a monitoring program suitable to determine the nature of any impacts to aquatic habitat within the Fording River Watershed to the satisfaction of an Engineer under the *Water Sustainability Act*.
 - (2) Implement the program to the satisfaction of an Engineer under the *Water Sustainability Act*.
 - (3) Continue the program to the satisfaction of an Engineer under the *Water Sustainability Act*, and
 - (4) To the satisfaction of an Engineer under the *Water Sustainability Act*, prepare a report that identifies the nature of any impacts to a stream or aquifer and implement the appropriate mitigation and/or compensation to an Engineer under the *Water Sustainability Act*.
- o) Upon cessation of mining operations, the dam and all works associated with the dam shall be removed and the site reclaimed to the satisfaction of an Engineer under the *Water Sustainability Act*.
- p) When the mining operation is completed, the licensee shall re-establish drainage in the area, to the satisfaction of an Engineer under the *Water Sustainability Act*.
- q) This water licence does not authorize the disposal or discharge of mine effluent tailings.
- r) Changes or modifications to the works authorized under clause (h) hereof may be ordered at any time by an Engineer under the *Water Sustainability Act* to ensure proper operation of said works.
- s) This licence is issued under the *Water Sustainability 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 or on an aquifer. 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.



P. Johnstone
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