



Province of British Columbia

Water Sustainability Act

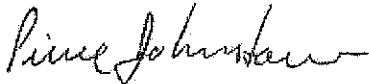
CONDITIONAL WATER LICENCE

The holder of the mining lease to which this licence is appurtenant is hereby authorized to divert water as follows:

- a) The stream on which the rights are granted is Line 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 April 8, 2016.
- d) The purpose for which this licence is issued is land improvement: industrial for rehabilitation or remediation.
- e) The minimum quantity of water which may be diverted for land improvement: industrial for rehabilitation or remediation is 0.100 cubic metres per second in order to maintain environmental flow needs within the diversion channel.
- f) The period of the year during which the water may be used is January 1 to December 31.
- g) The mine upon which the water is to be used and to which this licence is appurtenant is the mining project of the licensee within Legal Description: District Lot 6772, Kootenay District - Tenure: Coal Lease 389284.
- h) The authorized works is a diversion channel 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) 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.

- k) The licensee may be directed to install a flow measuring device to the satisfaction of an Engineer under the *Water Sustainability Act*.
- l) The licensee must retain flow meter records for inspection upon request by an Engineer under the *Water Sustainability Act*.
- m) The licensee must:
 - (1) Prepare a monitoring program suitable to determine the success of fish passage through the works authorized in clause (h), to the satisfaction of an Engineer under the *Water Sustainability Act*, and
 - (2) At the completion of the monitoring program, prepare a report that identifies the nature of any impacts to fish passage through the works outlined in clause (h) and implement the appropriate mitigation to an Engineer under the *Water Sustainability Act*.
- n) As-Built, record drawings, or an equivalent must be submitted to an Engineer under the *Water Sustainability Act* within one year of commissioning.



P. Johnstone
Assistant Water Manager