



# Province of British Columbia

## *Water Sustainability Act*

### CONDITIONAL WATER LICENCE

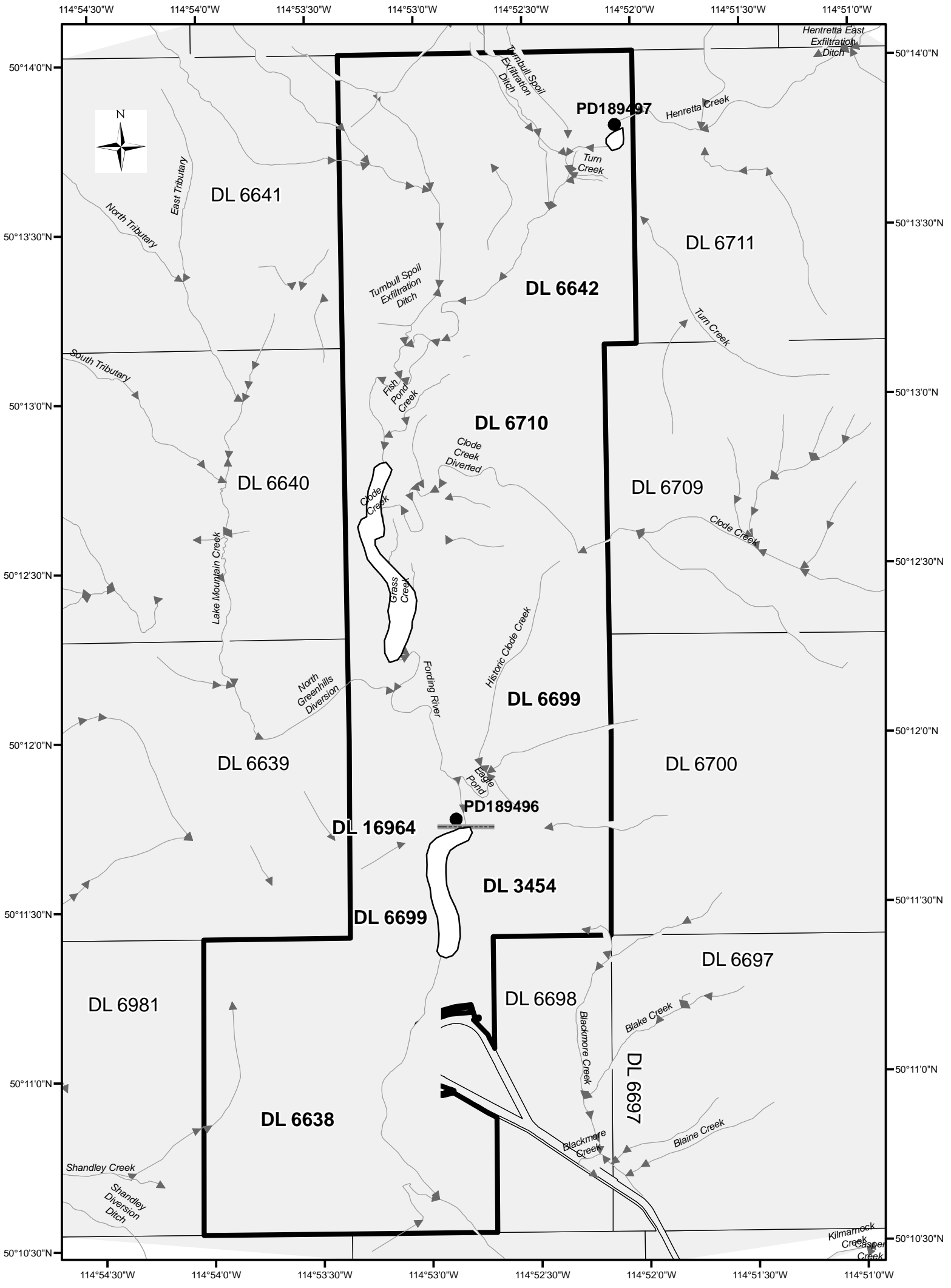
The owner(s) of the mine to which this licence is appurtenant is/are hereby authorized to divert water as follows:

- a) The streams on which the rights are granted are the Fording River and Henretta Creek.
- b) The points of diversion are 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 conservation: construct works.
- e) The maximum quantity of water which may be diverted for conservation is Total Flow.
- 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: Crown Land: DL 6642, DL 6710, DL 6699 - Coal Lease #9, Kootenay District. Legal Description: Private Land: Block A, District Lots 3454 and 16964. Kootenay District, Plan NEP19593.
- h) The authorized works are fish habitat structures (log structures and riffle structures) and a fish ladder 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, 2016. Thereafter, the licensee shall continue to make regular beneficial use of the water in the manner authorized herein.
- j) The works must be constructed when the ambient temperature is above 0 degrees Celsius, and the water temperature is above 1 degree Celsius.
- k) As-built, record drawings, or an equivalent must be submitted to an Engineer under the *Water Sustainability Act* within one year of commissioning.
- l) The works authorized under clause (h) hereof shall be maintained to the satisfaction of an Engineer under the *Water Sustainability Act*.

- m) 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*.
- n) 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.



Pierre Johnstone  
Assistant Water Manager



**LEGEND**

- Points of Diversion
- Appurtenant Land
- Fish Habitat Structures
- ▬ Fish Ladder

WATER DISTRICT: FERNIE  
 PRECINCT: MICHEL  
 LAND DISTRICT: KOOTENAY  
 C.L. 133307  
 FILE: 4006706  
 Scale: 1:25,000  
 Map Number: WR 82 J/SW(2-e)

Signature: *Pierre Johnstone*  
 Pierre Johnstone  
 Assistant Water Manager  
 Date: August 10, 2016