



THE GOVERNMENT OF
THE PROVINCE OF BRITISH COLUMBIA.

DEPARTMENT OF LANDS.

Permit under the "Water Act, 1914," authorizing
Entry upon Crown Lands.

WHEREAS Burt J. Averill,
whose post-office address is Grand Forks, B.C.
being the licensee under Conditional Water Licence No. 4938, has by his petition to the
Minister of Lands, pursuant to section 92 of the "Water Act, 1914," dated the 21st
day of September A.D. 1920, petitioned for a permit to enter upon certain
lands hereinafter described, the same being unoccupied Crown lands held in the right of the Province,
for the purpose of constructing, maintaining, and operating thereupon the works authorized under said
licence, and which petition is accompanied by a plan or sketch satisfactory to the Minister, showing,
together with the petition, the number and principal terms of said licence, the nature of the easement
required, and the dimensions, area, and location of the right-of-way:

Now, therefore, in pursuance of the "Water Act, 1914," this permit is issued hereby authorizing
the licensee for the time being under the above-mentioned licence (hereinafter called the "licensee")
to enter upon, use, and occupy the said Crown lands which are hereinafter described, for the purpose
of constructing, maintaining, and operating the works so authorized under the said licence, subject to
the following terms and conditions:—

1. The lands which may be entered upon, used, and occupied, and the character of the works to be
constructed, maintained, or operated thereon are: the Right of Way across unoccupied Crown
land as set out herein. The length of the right of way is 500 ft.
" width " " " " " " 15 "
" area " " " " " " .172 acs.
The works to consist of a ditch,
which are further shown on the exhibit marked "A" which is attached hereto and forms a part hereof.

2. The period during which the authority granted under this permit may be exercised, unless sooner
terminated as herein provided, is twenty years, subject, however, to renewal at the end of
the said term under the laws and regulations then in force.

3. There shall be payable under this permit on the date hereof and annually hereafter, at the office
of the Comptroller of Water Rights at the City of Victoria, whether demanded or not, a rental fee (clear
of rents, royalties, tolls, or charges levied for the use of the water, and of all taxes, Provincial, municipal,
or otherwise, and whether of landlord or tenant and outgoings whatsoever) as may be fixed by or under

Form 1020A, W.R.B.—500-5-15.

Grand Forks

HC

*Replaced by
PCL'S 15168
15177*

*8544
F. 8543
8542*

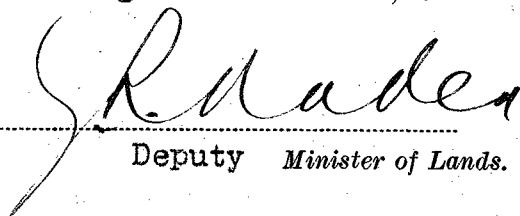
any rules and regulations respecting the entry upon, use of, or occupation of the said lands made from time to time by His Honour the Lieutenant-Governor in Council under authority lawfully vested in him. The said rental fee until lawfully altered shall be \$ ~~1.00 per acre per annum (minimum rental being \$1.00)~~ 1.00.

4. This permit gives the licensee the right to cut or remove from said lands such timber only as is necessary for the construction of the said works thereon under said licence and subject to the payment by way of stumpage ~~or royalty~~ at the rate of \$ 1.00 per one thousand feet board measure, ~~the same provided for in the Timber Royalty Act and amendment.~~ ^{and royalty as} to be determined, paid and collected according to the provisions of the "Forest Act" relating to the collection of royalty.

5. This permit and the exercise of the rights granted thereunder are expressly conditioned upon the following matters and things:—

- (a.) The punctual payment of the said rental fee at the respective times and in the manner aforesaid; provided that in the construction of this permit, rent not paid in advance shall for all purposes be deemed to be rent in arrear, and shall carry with it all incidents and remedies attaching by law to rent in arrear, and the said rent, and each instalment thereof, shall be deemed overdue if not paid at the time in that behalf hereinbefore appointed, and that without demand.
- (b.) The observance of all and singular the provisions of the land laws and water laws for the time being of the said Province, and the rules and regulations made thereunder, and of the water licence in respect of which this permit is granted, or any final or other water licence issued to replace same.
- (c.) In case this permit is found to have been issued to a person who is not entitled to such a permit under the terms of the said "Water Act, 1914," or to have been obtained through fraud or misrepresentation in connection with the application upon which the same was issued, or if the licensee shall fail to fulfil, keep, and observe all and singular the payments, conditions, and stipulations herein, or in the said Act or the rules and regulations made thereunder, contained, or any of them, it shall be lawful for the Minister of Lands of the Province of British Columbia, his agent or servant, on behalf of the Crown, upon thirty days' notice to that effect signed by him, or by any person authorized by him in that behalf, and delivered to the licensee, or published for four consecutive numbers of the British Columbia Gazette, absolutely to forfeit all the rights and privileges authorized or held hereunder, or so much thereof as shall be specified in that behalf in any such notice; and thereupon this permit and all the rights and privileges authorized or held thereunder shall, so far as in accordance with such notice, cease, determine, and be of none effect, without any other proceeding whatever.
- (d.) This permit shall have the effect only of a permit issued under section 93 of the said "Water Act, 1914," and the easements, rights, and privileges of the licensee in respect of the said lands thereunder shall be construed as subject always to all the provisions of the said Act and amendments thereof and all rules and regulations from time to time made thereunder.

Issued this eighth day of August, 1921.


Deputy Minister of Lands.



British Columbia.

THE GOVERNMENT OF THE PROVINCE OF BRITISH COLUMBIA.

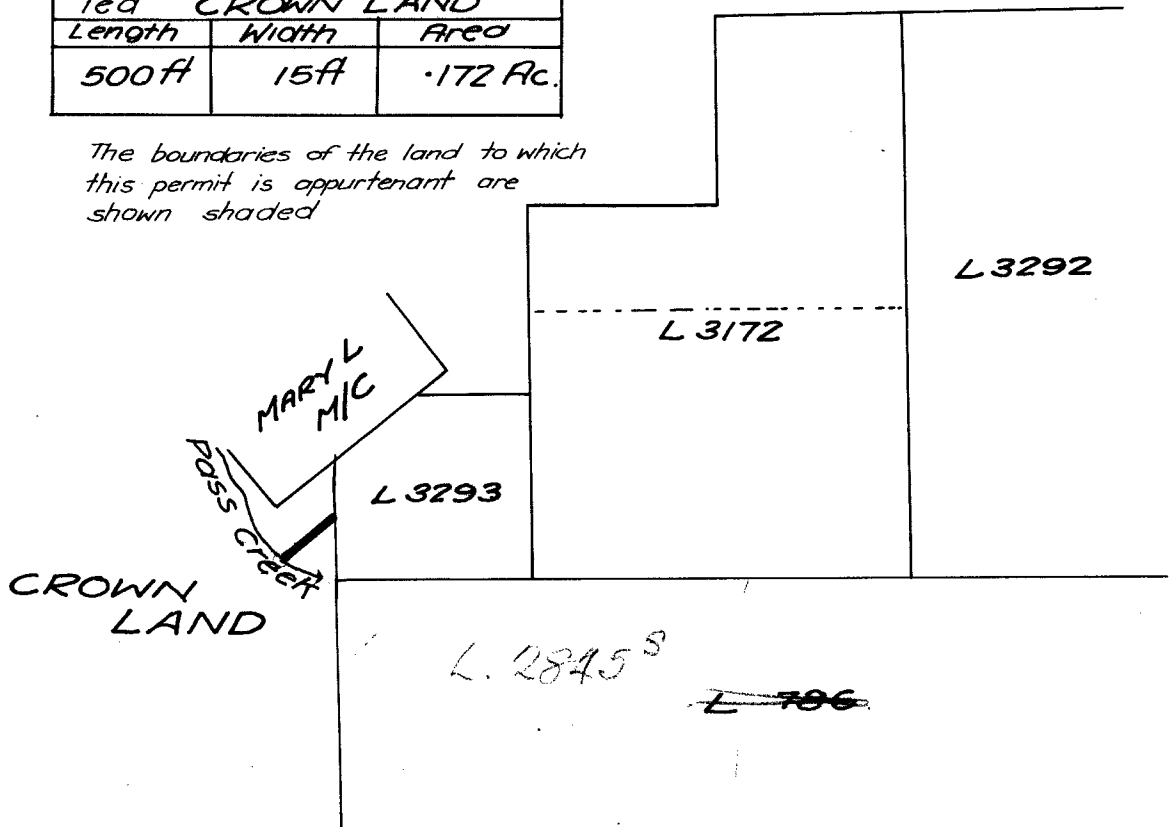
To accompany Permit for R/W over CROWN LAND in respect of C.L. 4938
GRAND FORKS WATER DISTRICT.

Scale, 20 Chains to 1 Inch.

OSOYOOS DIV. OF YALE DIST

Right of way over unoccupied CROWN LAND		
Length	Width	Area
500 ft	15 ft	.172 Ac.

The boundaries of the land to which this permit is appurtenant are shown shaded



J.S.K.
Ext.

EXHIBIT "A" W/Map 3034

Signature *[Handwritten Signature]*
 Date 8th Aug. 1921.

R/W C.L. 4938
 File 019177.