

ORDER

WATER ACT

Section 23

FILE NO. 0251587

In the matter of Permit No. 5659, which authorizes the occupation of Crown land for maintaining the works authorized under Conditional Water Licences Nos. 29191 and 29193, Hitchner Creek.

Having been advised that Lot 89 of Lot 3190, Oseyoos Division of Yale District, Plan 777, was erroneously omitted from the legal description of the land in the permit, I hereby amend the legal description of Permit No. 5659 to read as follows:-

A portion of Lots 69, 70, 83, 88, 89 and 94 of Lots 3190 and 3191, Oseyoos Division of Yale District, Plan 777.

Dated at Victoria, B.C., this 15th day of March, 1965.


E. W. Bassett,
Deputy Minister of Lands.



DEPARTMENT OF LANDS, FORESTS, AND WATER RESOURCES

Permit under the "Water Act" Authorizing the Occupation of Crown Land

Franz H., Gertrud B. and Frank R. Ficke, of Westbank, B.C.

the holders of a water licence authorizing the diversion of water from Hitchner Creek are hereby authorized to occupy by constructing, maintaining and operating thereon the works authorized under the said water licences, and any licences which may be issued in substitution thereof,

the following Crown land, namely:— a portion of Lots 69, 70, 83, 88, and 94 of Lots 3190 and 3191, Osoyoos Division of Yale District, Plan 777, being 3800 feet ± in length and 15 feet in width, the location of which is shown approximately on the plan attached to Conditional Water Licence No. 29191, having an area of 1.3 ± acres.

And, subject to the payment of royalty, stumpage, and other compensation as provided under Condition 5, is authorized to cut and remove from the said land any timber the removal of which is necessary to permit the construction of the said works.

There is payable in respect of this permit an annual rental of \$2.00, which is subject to alteration at any time. Failure to pay the annual rental will render this permit subject to cancellation.

This permit is appurtenant to the land to which the aforesaid water licence is appurtenant.

The conditions relative to the rights granted under this permit are printed on the back of this form.

THIS PERMIT REPLACES PERMIT NO. 5562.

Issued the 15th day of January, 1965.

Deputy Minister of Lands.

File 0251587
W.R. Map 8493B
Ref. Map 82 E/NW (D-2)
W.R.B. 12-0

Conditional Licence Nos 29191 & 29193. PERMIT OVER CROWN LAND No. 5659

Replaced by Permit 5659 12335

**CONDITIONS RELATIVE TO THE RIGHTS GRANTED
UNDER THIS PERMIT**

1. This permit is issued under section 23 of the "Water Act," and the rights hereby granted are subject at all times to the provisions of that Act and all Acts passed in amendment, or substitution thereof and to all regulations from time to time made under any such Act.

2. There is reserved to the Crown the right to grant to other persons permits to occupy the land affected by this permit without compensation to the permittee or his successors in title.

3. In the event of any dispute arising at any time between the permittee and any owner of land adjacent to the land affected by this permit with respect to the area or boundaries of the land so affected, the licensee shall at his own expense, when so directed by the Deputy Minister of Lands, have the said land surveyed by a duly qualified surveyor, and shall likewise file with

the Department of Lands, Forests, and Water Resources at Victoria, B.C., a plan showing the result of the survey.

4. This permit and the rights granted hereunder are subject always to compliance by the permittee with the terms of his water licence, and if the rights granted under the said licence should at any time be suspended or terminated the rights granted under this permit are thereupon likewise suspended or terminated.

5. The amount of stumpage, royalty, and (or) compensation payable to the Crown by the permittee in respect of trees, including merchantable or young growth, cut, removed, damaged, or destroyed by the permittee, shall be the sum or sums fixed by the Forest Service of the Province of British Columbia.