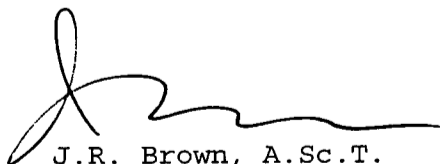


MINISTRY OF ENVIRONMENT, LANDS & PARKS

PERMIT UNDER THE WATER ACT AUTHORIZING THE OCCUPATION OF CROWN LAND

The holder of Conditional Water Licence 114044 whose licence authorizes the diversion and use of water from Elko Spring, is hereby authorized to occupy Crown land by constructing, operating, inspecting, maintaining, repairing, and if need be, replacing thereon the works authorized in clause (b) of this permit.

- a) The Crown land which is authorized to be occupied under this permit is a portion of District Lot 7316, Kootenay District, and Lot 49 of Block C, District Lot 227, Kootenay District, Plan 1006, the location of which is shown approximately on the plan attached to the said water licence.
- b) The approximate area of the Crown land authorized to be occupied under this permit is 0.53 acre, being 1,550 feet in length and 15 feet in width for a diversion structure, (dam and reservoir) and pipeline.
- c) Prior to the cutting, destruction or flooding of any timber necessary for the construction, operation and maintenance of the said works, the permittee shall apply for and obtain a licence to cut timber from the District Manager of the Ministry of Forests. The amount of stumpage, royalty and (or) compensation payable to the Crown in respect to 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.
- d) This permit is appurtenant to the land, mine or undertaking to which the aforesaid water licence(s) is appurtenant.
- e) This permit shall become void if the water licence(s) with respect to which this permit is issued should terminate, be abandoned or cancelled, or amended so as to render this permit unnecessary.
- f) This permit is issued and accepted on the understanding that the permittee shall indemnify and save harmless the Government of the Province of British Columbia for all loss, damage to works, cost or expense suffered by the permittee by reason of the Crown land or any portion thereof being submerged or damaged by erosion or otherwise affected by flooding.
- g) The holder of this permit shall not be entitled to compensation if the Crown grants permits to other persons to occupy the land affected by this permit.
- h) In the event of a dispute at any time with respect to the area or boundaries of the land affected by this permit, the holder shall, at his own expense, have the said land surveyed by a duly qualified surveyor.



J.R. Brown, A.Sc.T.
Assistant Regional Water Manager
duly authorized designate of the
Minister of Environment, Lands & Parks

File No. 0242267

Date: April 12, 1999

Permit No. 22997