



THE PROVINCE OF BRITISH COLUMBIA

**PERMIT UNDER THE WATER ACT AUTHORIZING
THE OCCUPATION OF CROWN LAND**

The Holder of Final Water Licence 115033, whose licence authorizes the storage of water from the Kootenay River, is hereby authorized to occupy Crown Land by flooding as authorized under the said licence.

- (a) The Crown Land which is authorized to be occupied under this permit is those portions of:
- Sublot 9 of District lot 1239, Kootenay District, Plan X56 except part included in Plan 2071 and RW Plan 10336;
 - Part of District Lot 302A, Kootenay District, lying east of the Kootenay River as shown on Plan DD18555, except part included in Ref. Plan 43666-I, RW Plans 162 and 10336, and parts included in Plans 2888, 2953, and 13379;
 - That part of District Lot 303, Kootenay District, lying east of the Kootenay River, as shown on Plan DD18555;
- lying below the 458 metre contour of the Kootenay River valley and shown approximately on the plan attached.
- (b) The approximate area of the Crown Land authorized to be occupied under this permit is 5.24 acres (2.12 hectares) for a reservoir.
- (c) The permittee may cut and remove from the said Crown Land any timber necessary to permit clearing of the said lands which may be flooded. Prior to the cutting, destruction or flooding of any timber, the permittee shall apply for and obtain a licence to cut timber from the District Manager and the amount of stumpage, royalty and (or) compensation payable to the Crown 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.
- (d) This permit is appurtenant to the land, mine or undertaking to which the aforesaid water licence is appurtenant.
- (e) This permit shall become void if the water licence with respect to which the 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.

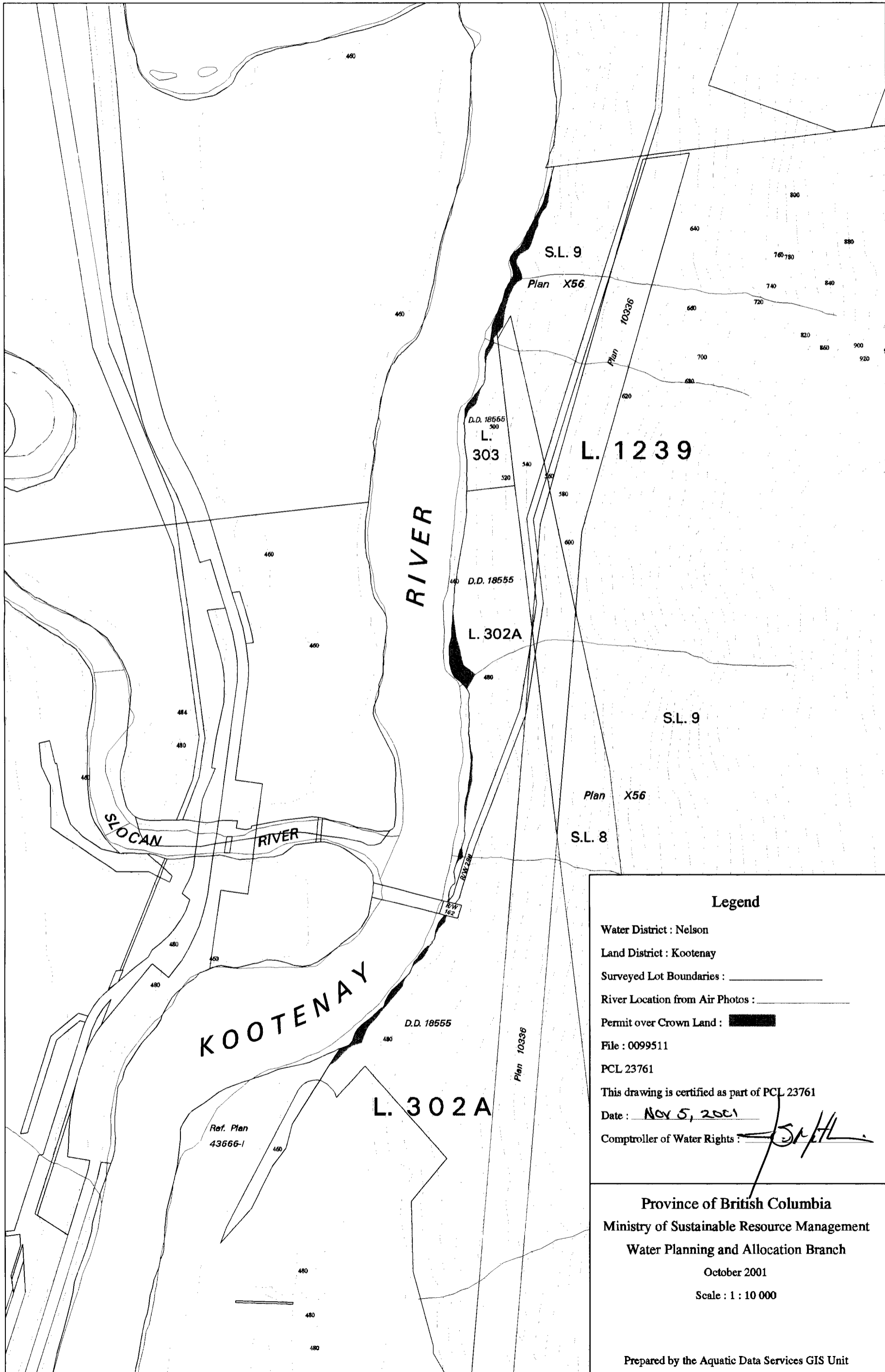
A handwritten signature in black ink, appearing to read 'J. S. Mattison', written over a vertical line that extends from the signature down to the printed name below.

James S. Mattison, P. Eng.
Comptroller of Water Rights
duly authorized designate of the
Minister of Sustainable Resource Management

File No.: 0099511

Date Issued: Nov. 5, 2001.

PERMIT NO.: 23761



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