



PERMIT UNDER THE WATER ACT AUTHORIZING THE OCCUPATION OF CROWN LAND

The holder of Conditional Water Licences 119296 and 119300 whose licences authorize the diversion, use, and storage of water from Durand Creek and Guichon Creek with the reservoirs being Tunkwa and Leighton Lakes, is hereby authorized to occupy Crown land by constructing, maintaining and operating thereon the works authorized under the said licences.

(a) The Crown land which is authorized to be occupied under this permit is a portion of Crown Land within Sections 7, 6, 8, 15, 16, 17, 18, 21 and 22, Township 19, Range 21, West of the 6th Meridian, Kamloops Division Yale District and lies within the Tunkwa Provincial Park, the location of which is shown approximately on the plan attached to the said water licence.

(b) The approximate dimensions of the Crown land authorized to be occupied under this permit are:

Ditch on Guichon Creek 11,150 feet (3400 metres) X 15 feet (4.6 metres)	3.84 acres (1.55 hectares)
Ditch on Durand Creek 4000 feet (1220 metres) X 15 feet (4.6 metres)	<u>1.38 acres (0.56 hectares)</u>
Total area of ditches	<u>5.22 acres (2.11 hectares)</u>

Dam on Tunkwa Lake	1.0 acre (0.4 hectare)
Dam on Leighton Lake	<u>1.0 acre (0.4 hectare)</u>
Total area of dams	<u>2.0 acres (0.8 hectare)</u>

Flooding on Tunkwa Lake from bathymetric survey	107.0 acres (43.3 hectares)
Flooding on Leighton Lake from bathymetric survey	<u>41.0 acres (16.6 hectares)</u>
Total flooded area	<u>148.0 acres (59.9 hectares)</u>

(c) Prior to the cutting or destruction or flooding of any timber, necessary to permit construction and maintenance of the said works and clearing of the said lands which may be flooded, the permittee shall apply for and obtain a licence to cut timber from the Ministry of Forests, District Manager. 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 authorized surveyor.

(i) This permit replaces Permit No. 20863, in part.

K. Neil MacLennan
Assistant Regional Water Manager
Southern Service Region – Kamloops Service Centre
Land & Water Management Division

Date Issued: March 25, 2004

File No.: 3004251 and 0241542

Permit No.: 24813