



Province of British Columbia

Water Act

PERMIT AUTHORIZING THE OCCUPATION OF CROWN LAND SECTION 26

The Holder of Final Water Licences 120603 and 120604 which authorize the storage, diversion and use of water from Elk River, 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 unsurveyed land adjacent to Lot 227, Kootenay Land District, the location of which is shown approximately on the plan attached to the said water licences.
- (b) The approximate areas of Crown Land authorized to be occupied under this permit is:
 - 1.26 hectares for penstocks and pipe, 420 metres in length and 30 metres in width.
 - 1.00 hectares for a dam
 - 1.00 hectare for a powerhouse
 - 3.26 hectares total area
- (c) 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 Forest 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 undertaking to which the aforesaid water licences are appurtenant.
- (e) This permit shall become void if the water licences 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.



Pieter J. Bekker
Deputy Comptroller of Water Rights

File No.: 0242265

Date Issued: *April 28, 2005* PERMIT NO: 25248