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PERMIT UNDER THE WATER ACT AUTHORIZING THE OCCUPATION OF CROWN LAND

The holder of Conditional Water Licence 122743 whose licence authorizes the diversion and use of water from Kootenay Lake, is hereby authorized to occupy Crown land by constructing, maintaining and operating thereon the works authorized under the said licence.

- (a) The Crown land which is authorized to be occupied under this permit is a portion of unsurveyed foreshore and land covered by the waters of Kootenay Lake (West Arm), adjacent to Plan NEP69365, Kootenay District, 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 100 feet (30.5 metres) in length by 15 feet (4.6 metres) in width for an area of 0.03 acre (0.01 hectare).
- (c) Prior to the cutting or destruction of any timber, necessary to permit construction and maintenance of the said works, the permittee shall apply for and obtain a licence to cut timber from the FrontCounterBC. 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 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.
- (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. 21344.

Dwain Boyer, P.Eng.
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Water Stewardship Division - Nelson
Ministry of Environment

Date Issued: April 23, 2007

File: 0300260

Permit: 25817