



Indian and Northern Affairs Affaires indiennes et du Nord

WATER LICENCE

issued pursuant to
Northern Inland Waters Act and Regulations

RIVENDELL FARM (ROLAND AND MARY GIROUARD)

(Licensee)

Licence Number AG87-03L issued on SEPTEMBER 16, 1987

Location Takhini River

WATER USE LICENCE

The Yukon Territory Water Board, hereinafter referred to as the "Board", hereby grants to

Rivendell Farm (Rolland and Mary Girouard)

(Licensee)

Box 4235, Whitehorse, Yukon Y1A 3T3

(Mailing Address)

hereinafter called the Licensee, the right to alter, divert or otherwise use water subject to the restrictions and conditions contained in the Northern Inland Waters Act and Regulations made thereunder and subject to and in accordance with the conditions specified in this Licence:

AG87-03L

Licence Number

02 Yukon

Water Management Area

Takhini River

Location

To obtain and convey a flow of water

Purpose

Agricultural Irrigation

Description

144,000 Imperial Gallons per Day

Quantity of Water Not to be Exceeded

300 Imperial Gallons per Minute

Rate of Use of Water not to be Exceeded

September 16, 1987

Effective Date of Licence

December 31, 2012

Expiry Date of Licence

This Licence issued and recorded at Whitehorse includes and is subject to the annexed conditions.

Dated this 27th day of

August, 1987

R. A. Steers
Witness

YUKON TERRITORY WATER BOARD

[Signature]
Chairman, Diane Granger

Dated this 16th day of

September, 1987

Jean Guy Deslaurier
Witness

Approved by

[Signature]
Bios McKinnon
Minister of Indian and Northern Affairs Canada

GENERAL CONDITIONS

Part 'A'

1. Definitions

- (a) "Act" means Northern Inland Waters Act, R.S.C. 1970 (first supplement) Chapter 28 and any amendments thereto;
- (b) "Regulations" means the Regulations made under the Act
- (c) "Board" means the Yukon Territory Water Board.
- (d) "Inspector" means any person designated as an inspector under Section 29 of the Act.

All Terms in this licence, unless otherwise explicitly stated, shall be defined in the same manner as in the Act and Regulations.

2. Fees

The Licensee shall pay the water use fees prescribed in Section 10 of the Regulations. The water use fees shall be payable for each and every year of the term of the licence within thirty (30) days of the receipt of an invoice by the Licensee.

3. Waste Discharge Standards

This licence is issued to the Licensee, subject to the conditions contained herein, with respect to the use of return of water, or the depositing or permitting the deposit of waste of any type in any waters or in any place under any conditions where such waste or any other waste that results from the deposit of such waste may enter any waters. However, it is also a condition of granting of this licence to the Licensee that, whenever future Regulations are made by the Governor in Council under the Northern Inland Waters Act, or any other statute imposing conditions relating to the quantity and types of waste that may be so deposited or under than conditions included in this licence, this licence shall be deemed, upon prescription of such Regulations, to be automatically amended to conform with such Regulations.

4. Non-Compliance

In the event the Licensee fails to comply with any provision or condition of this licence the Board may, subject to the Act, cancel the licence, and without limiting its rights to cancellation of the licence, and without limiting its rights to cancellation of the licence, if the Licensee has failed to perform the works specified in the licence, or has performed works contrary to the licence, the Board may apply to the Courts for a mandatory injunction to compel the Licensee to perform the works or for an injunction to restrain the Licensee from performing the works, as the case may be.

5. Correspondence

Where any direction, notice, order, or report under this licence is required to be in writing, it shall be given:

- (a) to the Licensee, if left at or mailed by registered mail to the following address:

Rivendell Farm (Rolland and Mary Girouard)
Box 4235
Whitehorse, Yukon
Y1A 3T3

and shall be deemed to have been given to the Licensee on the day it was left or seven (7) days after the day it was so mailed as the case may be:

- (b) to the Board, if left at or sent by registered mail to the following address:

Yukon Territory Water Board
4114 - 4th Avenue, Suite 302
Whitehorse, Yukon
Y1A 4N7

and shall be deemed to have been given to the Board on the day it was left or seven (7) days after the day it was so mailed as the case may be.

6. Interpretation

Where a Licensee wishes to appeal an interpretation of a licence condition by an Inspector, he may do so by applying to the Board within ten (10) days of receiving the interpretation.

7. Annual Report

On or before December 31 of each year during which this licence is in effect, the Licensee shall submit to the Board an annual report pursuant to Section 15 of the Northern Inland Waters Regulations. In addition to the information required by the Regulations the annual report shall:

- a) describe the Licensee's water use operations during that year;
- b) explain any difference between what was proposed in the Licensee's application for licence and what was done, and;
- c) present all monitoring data collected under the licence during the year reported.

8. Spills and Unauthorized Discharges

The Licensee shall immediately contact the Water Resources Division of Indian and Northern Affairs Canada in Whitehorse (403) 667-3100, or the 24-hour Yukon Spill Report number (403) 667-7244, should a spill or an unauthorized discharge occur or seem likely to occur. A detailed written report on any such event, including but not limited to, dates, quantities, parameters, causes and other relevant details and explanations, shall be submitted to the Board not later than fifteen (15) days after its occurrence.

9. Term of Licence

The term of this licence is from the effective date to December 31, 2012.

OPERATING CONDITIONS

Part 'B'

1. Description of Water Use

(a) The Licensee is hereby authorized:

- i) to obtain water from the Takhini River, a tributary of the Yukon River at a rate not exceeding 144,000 imperial gallons per day;
- ii) to convey said water via pump and pipeline;
- iii) to store said water in a reservoir;
- iv) to use said water for the purpose of sprinkler irrigation on Lot 1133, Quad 105 D-14.

as proposed in water use application AG87-03 and subject to this licence.

Part 'C'

1. The Licensee shall monitor the daily volume of water obtained from the Takhini River and shall report the figures as part of the annual report required under Part A, Section 7 of this licence.
2. The Licensee shall provide fish screens with appropriately sized mesh on pump intake pipes.
3. The Licensee shall not impede fish passage in Takhini River.