



Indian and Northern Affairs - Affaires indiennes et du Nord

WATER LICENCE

issued pursuant to
Northern Inland Waters Act and Regulations

DUCKS UNLIMITED

(Licensee)

Licence Number CN89-001 issued on JUN 2 - 1989 1989

Location Kettley's Canyon (also known as Black Mike Creek) a wetland
segment within the Lewes Marsh wetland complex of Marsh Lake

YUKON TERRITORY WATER BOARD

Pursuant to the Northern Inland Waters Act and Regulations, the Yukon Territory Water Board, hereinafter referred to as the Board, hereby grants to:

Ducks Unlimited

(Licensee)

131 - 302 Steele Street, Whitehorse, Yukon, Y1A 2C5

(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.

Licence Number: CN89-001L

Water Management Area: 02 Yukon

Location: Kettley's Canyon, (also known as Black Mike Creek) a wetland segment within the Lewes Marsh wetland complex of Marsh Lake.

Description: Wetland Enhancement Project - Lewes Marsh

Quantity of Water Not to Exceed: 454 Acre feet (initial capture)
153 Acre feet (annual system charge)

Rate of Water Not to be Exceeded: 1830 I.G.P.M.

The Effective Date of the Licence shall be the date on which the signature of the Minister of Indian & Northern Affairs, Canada is affixed.

Expiry Date of Licence: October 1, 2014

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

Dated this 16th day of

May, 1989

YUKON TERRITORY WATER BOARD

[Signature]
Witness

[Signature]
Chairman, Grant Livingston

Dated this _____ day of

JUN 2, 1989

Approved by

[Signature]
Witness

[Signature]
Minister of Indian and Northern Affairs, Canada

GENERAL CONDITIONS

Part 'A'

1. Definitions:

- (a) "Act" means Northern Inland Waters Act R.S.C. 1985 Chapter N 25, as amended, First Supplement Chapter 33 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 32 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 3 of the Act and Section 10 of the Regulations.

3. 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, if the licensee has failed to perform the works as specified in the licence, or has performed works contrary to the licence, the Board may apply to the Courts for a mandatory injunction compelling the Licensee to perform the works, or for an injunction to restrain the Licensee from performing the works, as the case may be.

4. 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:

Pucks Unlimited
131 - 302 Steele Street
Whitehorse, Yukon
Y1A 2C5

and shall be deemed to have been given to the Licensee on the day it was left or seven (7) days after 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
414 - 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.

5. 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.

6. 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.

7. 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.

8. Term of Licence

The term of this licence is from the effective date to October 1, 2014.

Part 'B'

CONDITIONS RELATING TO
CONSTRUCTION & MAINTENANCE

1. The Licensee is authorized to construct a dyke of a maximum length of 2673 metres for the purpose of containing water to a maximum full supply level of 655.78 metres. The dyke shall be constructed as specified in application CN89-001, drawing 1020 0001 2.
2. The Licensee shall install a pipe through the dyke for the purpose of drawing water from the Yukon River to the containment area behind the dyke. The diameter of the pipe shall be 1600 mm at inlet and 1300 mm at outlet.
3. The Licensee shall install 6 mm mesh screening at the inlet of the pipe described in Part B, Section 2.
4. The Licensee shall install a pumphouse in the dyke for a submersible pump, as described in drawing 1020 50001 3 of application CN89-001.
5. The maximum flooded area of the containment area behind the dyke shall be 85.3 hectares.

6. Prior to construction, the licensee shall submit to the Board an analysis of material that will be used for dyke construction and detailed plans for erosion protection of the dyke during and after construction.
7. The licensee shall carry out all construction in accordance with plans submitted to the Board. Any significant alterations to previously approved plans shall not proceed until approval in writing from the Board has been received by the Licensee.
8. The licensee shall ensure that adequate structures are installed on the dyke to prevent unauthorized access.

Part 'C'

DESCRIPTION OF WATER USE

1. The licensee is authorized:
 - i) to obtain water from the Yukon River at a maximum rate of 4830 I.G.P.M. at a quantity not to exceed 454 acre feet.
 - ii) to convey said water via a pump and pipe to a containment area as proposed in application CN89-001.
 - iii) to use said water for the purpose of developing and maintaining a Wetland Enhancement Project as proposed in application CN89-001 and subject to this licence.
2. The maximum rate of water stipulated in Part C, Section 1 (i), shall be for the purpose of initial fill-up of the containment area to a full supply level of 655.78 meters. Once this level is attained, the Licensee is authorized except as noted in Part C, Section 3, to obtain only that amount of water which is necessary to replace water lost in the containment area through natural evaporation and seepage.
3. If, at any time during the term of this license, the Licensee determines that a drawdown of the water level within the containment area to below full supply level is required, such drawdown will not take place without prior written approval of the Board.
4. The licensee shall draw water from the Yukon River via a pipe and pump only during the period September 1 to December 31 inclusive of each year.

Part 'D'

CONDITIONS RELATING TO MONITORING

1. The Licensee shall submit to the Board, in the Annual Report required by Part A, Section 6, a report of an annual inspection carried out by a duly qualified engineer of all structures related to the operation.