

YUKON TERRITORY WATER BOARD

WATER USE LICENCE

Pursuant to the *Yukon Waters Act* and Regulations, the Yukon Territory Water Board hereby grants a Type B Water Use Licence for an Agricultural undertaking to:

Dion Benoit
RR2, Site 3, Comp 11
Whitehorse, Yukon
Y1A 5A5

LICENCE NUMBER: IN98-008

LICENCE TYPE: B

UNDERTAKING: Industrial

LOCATION: Spring located on Lot 2, Mendenhall Subdivision

EFFECTIVE DATE: The effective date of this licence shall be the date on which the signature of the Chairperson of the Yukon Territory Water Board is affixed.

EXPIRY DATE: March 31, 2024

PURPOSE: Withdrawal of water from a natural spring for the purpose of bottling as proposed in Water Use Application IN98-008.

This licence shall be subject to the restrictions and conditions contained herein and to the restrictions and conditions contained in the Yukon Waters Act and the Regulations made thereunder.

Dated this 30 day of
April, 1999

YUKON TERRITORY WATER BOARD



Witness



Chairperson

PART A - GENERAL CONDITIONS

Definitions

1. a) "Act" means Yukon Waters Act 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 the Act.
- e) "Waste" means any substance defined in Section 2 of the Yukon Waters Act.
- f) "Application" and "Water Use Application" mean Water Use Application IN98-008, including any additional submissions and/or revisions, submitted to the Board by the Licensee.
- g) "Deleterious Substance" means a deleterious substance as defined in Section 34(1) of the Fisheries Act.
- h) "Watercourse" means any stream, lake, pond, river, creek, spring, ravine or swamp whether ordinarily containing water or not.

Representations, Warranties and Undertakings

2. The Board has relied on the representations, warranties and undertakings provided by the applicant in the material filed as Application IN98-008. Such representations, warranties and undertakings are considered by the Board to be a part of the licence, but shall be subject to, and may be modified by the terms and conditions of the licence.

Other Laws

3. No term of this licence limits the application of any other Federal, Territorial or First Nation Laws or of any licence of Occupation of Land

Correspondence

4. 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:

Dion Benoit
RR2, Site 3, Comp 11
Whitehorse, Yukon
Y1A 5A5

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 mailed, as the case may be.

- (b) To the Board, if faxed to (867) 668-3628, or left at or sent by registered mail to the following address:

Yukon Territory Water Board
Suite 106, 419 Range Road
Whitehorse, Yukon
Y1A 3V1

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

If normal mail service is interrupted by a strike, slowdown, force majeure or other cause, a Notice sent by Registered Mail will not be deemed to be received until actually received and the Party sending the Notice shall, if possible, deliver such Notice in order to ensure prompt receipt thereof.

Non-Compliance

5. In the event that the Licensee fails to comply with any provision or condition of this licence, the Board may, with the approval of the Minister and subject to the Act, cancel the licence.

Waste Discharge Standards

6. This licence is issued to the Licensee, subject to the conditions contained herein, with respect to the use of water. 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 Yukon Waters Act, or any other structure imposing conditions relating to water use that are more stringent than any conditions included in this licence, this licence shall be deemed, upon prescription of such Regulations, to be automatically amended to conform with such Regulations.

Deleterious Substances

7. No deleterious substances shall be deposited or allowed to be deposited into any watercourse. This includes, but is not limited to, fuels, coolants, hydraulic fluids and lubricants.

Spills and Unauthorized Discharges

8. The Licensee shall develop and submit to the Board a Spill Contingency and Monitoring Plan within thirty (30) days of the effective date of this licence.
9. The Licensee shall immediately contact the 24-hour Yukon Spill Report Line (867) 667-7244 and implement the Spill Contingency Plan, should a spill or an unauthorized discharge 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 the occurrence.

Term of Licence

10. The expiry date of this licence shall be March 31, 2024.

PART B - OPERATING CONDITIONS

Description of Water Use

11. The Licensee is hereby authorized to obtain water from a spring located at the northeast corner of Lot 2, Mendenhall Subdivision in the amount of 30 m³/day for the purpose of bottling as proposed in Water Use Application IN98-008 and as required by the terms of this licence.

General Operating Conditions

12. All activities authorized by this licence shall occur on property that the Licensee has the right to enter upon and use for that purpose.
13. The release of sediment from any of the work associated with the undertaking, is not permitted.
14. The pump and associated equipment relating to the undertaking shall be located in an area which does contribute to erosion.
15. The water supply line leading from the spring to the bottling plant shall be equipped with a flow meter which produces a paper recording.
16. Disinfection of water prior to bottling shall be by a process of ozonation. Chlorination shall not be used for disinfection of the bottled water.
17. Any excess water from the bottling plant shall be returned to the watercourse leading from the spring.
18. Cleaning materials or residue from cleaning of plant or equipment shall not be deposited into or be allowed to enter any watercourse.

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19. The Licensee shall monitor the series ponds located immediately downstream of the spring by a series of annual photographs. Each series of photographs shall be not less than 20 in number, and shall be taken at the same time and location each year. The photographs shall be taken during the ice-free period. The Licensee shall submit a plan showing the locations of the photo points and a preliminary set of photographs within forty-five (45) days of the effective date of this licence. This preliminary set of photographs will not constitute the first annual set of monitoring photographs.
 20. The Licensee shall submit an annual report to the Yukon Territory Water Board. The report shall contain:
 - a) a description of the water use operations carried out during the year and the quantity of water used under the licence;
 - b) copies of the flow meter printouts;
 - c) copies of the annual monitoring photographs; and
 - d) any other reports required by this licence or by the Regulations.
 20. All works associated with the undertaking shall be shall be inspected not less than once per day.
 21. All works associated with the undertaking shall be maintained in good repair and any deficiency shall be rectified immediately.