



## PART A DEFINITIONS

"Act" means *Waters Act* and any amendments thereto.

"Application" means application for water use licence PM07-555 and placer mining land use approval AP07555, and any subsequent information presented to the Yukon Water Board up to the date of the Board's decision.

"Board" means the Yukon Water Board.

"Inspector" means any person designated as an Inspector under the Act.

"Instream Reservoir" means any water impoundment structure, where water is collected and retained for use, which is constructed in a natural channel or in a diversion, and through which the entire creek flow may be directed at any time.

"Instream Settling Facility" means a water impoundment structure, pond, or series of ponds, where effluent is collected and retained for treatment, which is constructed in a natural channel or in a diversion, and through which the entire creek flow may be directed at any time.

"Natural Boundary" means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water is so common and usual, and so long continued, as to mark upon the soil of the bed of the lake, stream or other body of water, a character distinct from that of the banks thereof, both in respect to vegetation and in respect to the nature of the soil itself. In addition, the best estimates of the edge of dormant or old side channels and marsh areas are considered to be natural boundaries.

"Regulation" means the *Waters Regulation*.

"Spring Freshet" means the sudden increase in flow carried by a stream as snowmelt occurs at higher elevations in the watershed.

"Waste" means any substance defined in Section 1 of the Act.

"Watercourse" means any stream, lake, pond, river, creek, spring, ravine or swamp, whether ordinarily containing water or not.

"Work Areas" means any area disturbed and/or altered by mining activities, excluding any stable diversion channel.

## PART B WATER USE AND WASTE DEPOSIT

1. The Licensee is hereby authorized:
  - a) to obtain water from Gauvin Gulch at a maximum quantity of 160 cubic metres per day; and
  - b) to use this water for a placer mining undertaking on the following grant numbers: P48578 P48579 P48580 P48581 P48582; and
  - c) to return a flow of water to Gauvin Gulch, and to deposit waste into Gauvin Gulch; and
  - d) to construct Instream Reservoirs and Instream Settling Facilities on Gauvin Gulch.
2. All of the activities authorized in Part B (1) shall be as described in the Application and subject to the conditions of this licence. Where there is a discrepancy between the Application and the conditions of this licence, then the conditions of this licence shall prevail.
3. In this licence, the Board has relied on the representations, warranties and undertakings provided by the Licensee in the material filed in the Application.
4. All work authorized by this licence shall occur on property that the Licensee has the right to enter upon and use for that purpose.
5. Effluent Quality Standard: Any grab sample at the point of discharge from the final settling facility shall not exceed settleable solids of 5.0 millilitres per litre above levels in the Watercourse immediately above the uppermost mine operation.
6. Except as otherwise provided in this licence, the Licensee shall not deposit, or permit the deposit of waste containing:
  - a) anything toxic to fish;
  - b) floating solids;
  - c) visible oil or grease; or
  - d) a total concentration of mercury in excess of 0.005 milligrams per litre;

into a receiving Watercourse, or in any place, under conditions where such waste, or any other waste that results from the deposit of such waste, if resulting waste contains any of the items prohibited by this paragraph, may enter the receiving Watercourse.

7. If, subsequent to the issuing of this licence, the Licensee uses water and/or deposits waste in one or more ways not authorized in this licence, and the combined effect of those uses and/or deposits of wastes, as determined by an Inspector:
- a) has no potential for significant adverse environmental effects; and
  - b) does not interfere with existing rights of other water users or waste depositors; and
  - c) satisfies the criteria set out in column 2 of Schedule 6 of the Regulation;
- no amendment to this licence will be required for that use of water and/or deposit of waste.
8. Fuels, lubricants, cleansers, solvents and similar chemicals or substances shall be used, transported, stored and disposed of in such a way that said substances are not deposited in, or allowed to be deposited in, waters.
9. Except as authorized by this licence, no waste shall enter any Watercourse as a result of any operation carried out by the Licensee.

#### PART C MINING ACTIVITIES

10. Instream Reservoirs, Instream Settling Facilities and instream dams may be constructed. The Instream Reservoirs, Instream Settling Facilities, instream dams and overflow spillways shall be constructed and maintained to withstand and convey at least a 1:2 year flood flow.
11. All instream earthworks, ditches, spillways and any other water related structures built, or otherwise constructed, for the storage or conveyance of water shall be able to withstand seasonal floods.
12. All storage and settling facilities and associated spillways, drains and water supply ditches located outside the Watercourse channel shall be of adequate capacity and construction.
13. All works associated with the undertaking, including, but not limited to, all dams, weirs, spillways, stream crossings, ditches, gates, water intakes, culverts and settling facilities shall be maintained in good repair.
14. Settling facilities shall be provided for all mining wastewater.
15. The channel of Gauvin Gulch may be used as a conduit to transport effluent to the final Instream Settling Facility on Gauvin Gulch.

16. Available overburden shall be stockpiled for use in future site restoration, and such stockpiles shall be located where they will not adversely affect water quality in any Watercourse.
17. The bed and banks of Gauvin Gulch shall be left in a stable condition.
18. The bed and banks of any tributary (gulch or pup) of Gauvin Gulch shall be left in a stable condition.

#### PART D SEASONAL CLOSURE

19. The Licensee shall comply with the following conditions pertaining to seasonal closure:
  - a) The mine site shall be left in a stable condition at the end of each mining season.
  - b) An Inspector shall be contacted not less than 2 weeks prior to seasonal closure.
  - c) To prevent flood damage during freshet, a bypass shall be constructed around the instream dams and shall be maintained to withstand and convey flood flows.
  - d) Spring Freshet may be routed through Work Areas. When Spring Freshet is routed through Work Areas, the effluent standard of 5.0 millilitres per litre of settleable solids must be met.
  - e) All mined or otherwise disturbed ground surfaces, including cut banks, fill slopes and tailings piles shall be stabilized annually to prevent erosion and surface runoff from carrying sediment into adjacent Watercourses.

#### PART E DECOMMISSIONING

20. Prior to final decommissioning and/or expiry of this licence, the Licensee shall:
  - a) Ensure that the final creek channel approximates its pre-licence condition in length, gradient and stability, except as may otherwise be required in this licence; and
  - b) Ensure that all dams and dikes across stream channels are removed; and
  - c) Contact an Inspector not less than 2 weeks prior to final decommissioning.

## PART F REPORTS, SAMPLING AND ANALYSIS

21. Where there is a surface discharge from the settling facilities, the Licensee shall take weekly samples at a point upstream of the water supply intake and at the point of discharge from the final settling facility, and shall analyze these samples for settleable solids using the Imhoff cone 1 hour test.
22. Where no discharge from the settling facility to a Watercourse occurs, whether by surface discharge or seepage, no sampling is required.
23. On or before the anniversary of the date of issuance of this licence, and for each year during which this licence is in effect, the Licensee shall submit an annual report to the Board.
24. Annual reports during the year reported shall include the information required by this licence and by the Regulation including, but not necessarily limited to:
  - a) the quantity of water used under this licence, and
  - b) the quantity, concentration and type of any waste deposited under this licence, and
  - c) all data collected which is required by this licence, and
  - d) a description of the reclamation that has taken place, and
  - e) a list of grant numbers of claims where any reclamation has taken place.

## PART G GENERAL CONDITIONS

25. The expiry date of this licence shall be May 1, 2013.
26. Sewage, including all human excreta and wastewater associated with daily camp operations, shall be disposed of in accordance with the *Public Health and Safety Act* of the Yukon.
27. The location of subsurface grey water pits and/or pit privies shall be not less than 30 metres from the high water mark of any Watercourse, and at least 1.2 metres above bedrock or the water table.
28. If very permeable soils are encountered, the pit privy or grey water pit shall be lined with 0.6 metres of sand or silt.
29. All garbage and refuse shall be kept in a covered container until removed from the site or, where appropriate, incinerated and buried under not less than 1 metre of compacted soil in pits located not less than 30 metres from the Natural Boundary of any Watercourse.

- 30. The Licensee shall immediately contact the 24-hour Yukon Spill Report number (867) 667-7244, and implement the Spill Contingency Plan should a spill or 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 no later than 10 days after its occurrence.
- 31. No condition of the water use licence limits the application of any federal, territorial, first nation or municipal legislation.
- 32. In the event that the Licensee fails to comply with any provision or condition of this licence, the Board may, subject to the Act, cancel the licence.
- 33. 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 delivered or mailed by registered mail, to the following address:

Wallace Roberts  
 2000 E. Ramar Rd. #561  
 Bullhead City, AZ 86442

and shall be deemed to have been given to the Licensee on the day it was delivered or 7 days after the day it was mailed, as the case may be; or

- b) to the Board, if delivered, faxed or mailed by registered mail, to the following address:

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

Fax #: (867) 456-3890

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

- c) The Board or the Licensee may, by notice in writing, change its address for delivery.