

PROVINCE OF BRITISH COLUMBIA - WATER ACT

CONDITIONAL WATER LICENCE

The owner of the land to which this licence is appurtenant is hereby authorized to divert and use water as follows:

- (a) The stream on which the rights are granted are Endako River and Martin Brook.
- (b) The points of diversion on Endako River and Martin Brook and the points of rediversion on Upper Martin Lake and Wellman Pond are located as shown on the attached plan.
- (c) The date from which this licence shall have precedence is 26th February, 1992.
- (d) The purpose for which this licence is issued is conservation.
- (e) The maximum quantity of water which may be diverted from Endako River is 1.0 cubic feet per second and the maximum quantity of water which may be diverted from Martin Brook is 3.7 cubic feet per second.
- (f) The period of the year during which the water may be used is the whole year.
- (g) This licence is appurtenant to the project of the licensee within the fractional Southeast 1/4 of District Lot 4141; the Southwest 1/4 of District Lot 4141; the Northwest 1/4 of District Lot 4138, all of Range 5, Coast District, except the Grand Trunk Pacific Railway Right-of-Way and any portion of the right of the Dominion Telegraph Line which may lie within the boundaries of the said lands.
- (h) The works authorized are infiltration gallery, pump, diversion ditches, pipe, headgate, trash rack and log boom, which shall be located approximately as shown on the attached plan.
- (i) The construction of the said works shall be completed and the water beneficially used prior to the 31st day of December, 1997. Thereafter, the licensee shall continue to make a regular beneficial use of water in the manner authorized herein.



W.H. Dreher, P. Eng.
Regional Water Manager
Skeena Region

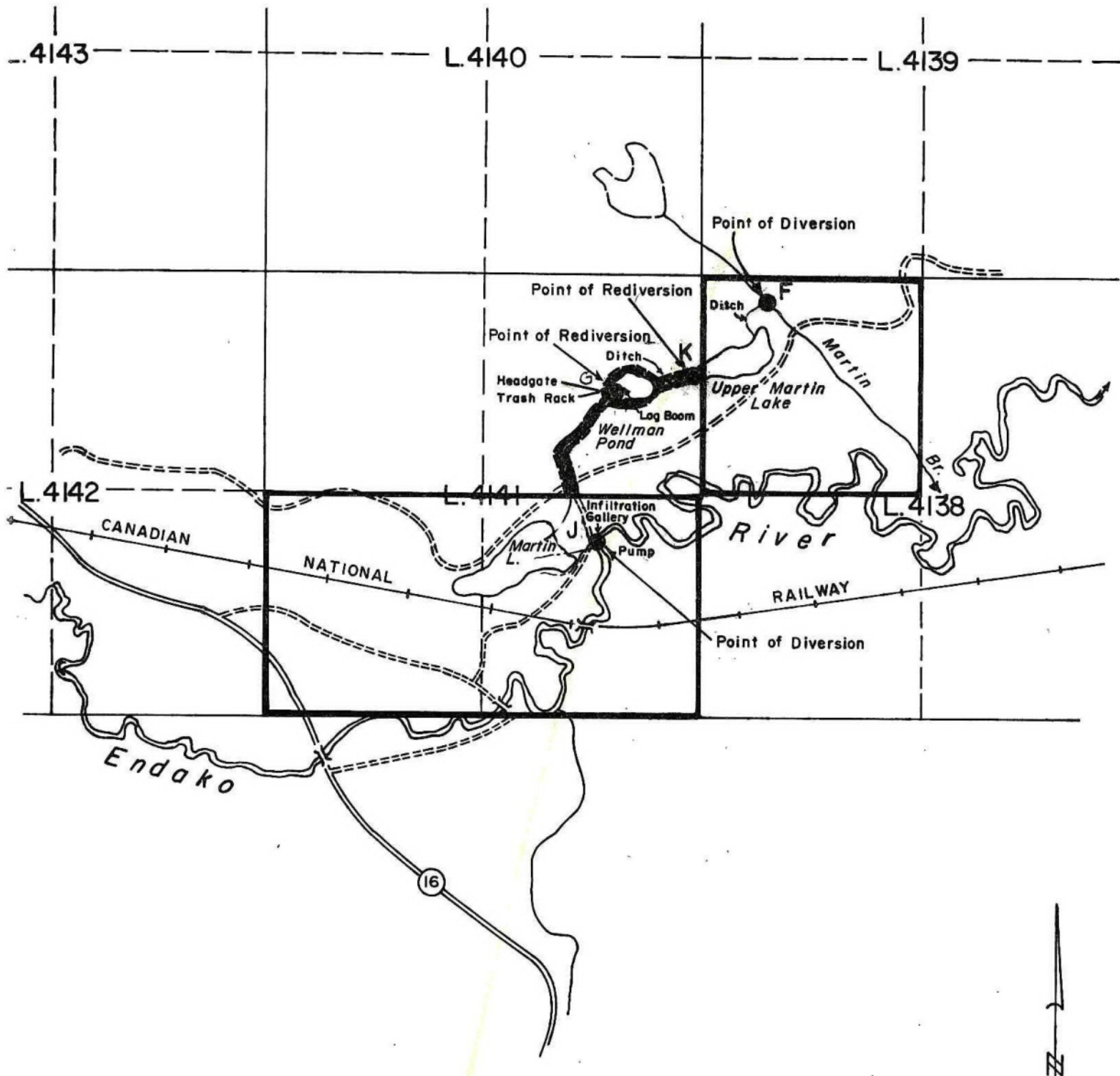
File No: 6000698

Date Issued DEC 30 1994

Conditional Licence 108875



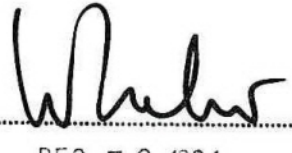
Province of British Columbia



WATER DISTRICT : HAZELTON
PRECINCT : BURNS LAKE
LAND DISTRICT : RANGE 5, COAST

LEGEND

Scale : 1 : 20,000
Point of Diversion : ●
Map Number : WR 93.K.014
Pipe : ————
Permit over Crown Land:

Signature 
Date DEC 30 1994

C.L. 108875
File 6000698
P.C.L. 21352

The boundaries of the land to which this licence is appurtenant are shown thus:

**PERMIT UNDER THE WATER ACT AUTHORIZING
THE OCCUPATION OF CROWN LAND**

(a) The Crown land which is authorized to be occupied under this permit is a portion of District Lot 4141, Range 5, Coast District, the location of which is shown approximately on the plan attached to the said water licence.

- flooding - 2.0 acres;
pipeline - 1,650 feet in length, 15 feet in width and having
an area of 0.57 acres;
ditch - 300 feet in length, 30 feet in width and having an
area of 0.21 acres.

(c) The permittee may cut and remove from the said Crown Land any timber necessary to permit construction and maintenance of the said works (and clearing of the said lands which may be flooded). Prior to the cutting, destruction or flooding of any timber, the permittee shall apply for and obtain a licence to cut timber from the District Manager and 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, mine or undertaking 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 or otherwise affected by flooding.

- (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 qualified surveyor.

W.H. Dreher, P. Eng.
Regional Water Manager
duly authorized representative of the
Minister of Environment, Lands & Parks

THE PROVINCE OF BRITISH COLUMBIA - WATER ACT
CONDITIONAL WATER LICENCE

The owner of the land to which this licence is appurtenant is hereby authorized to divert and use water as follows:

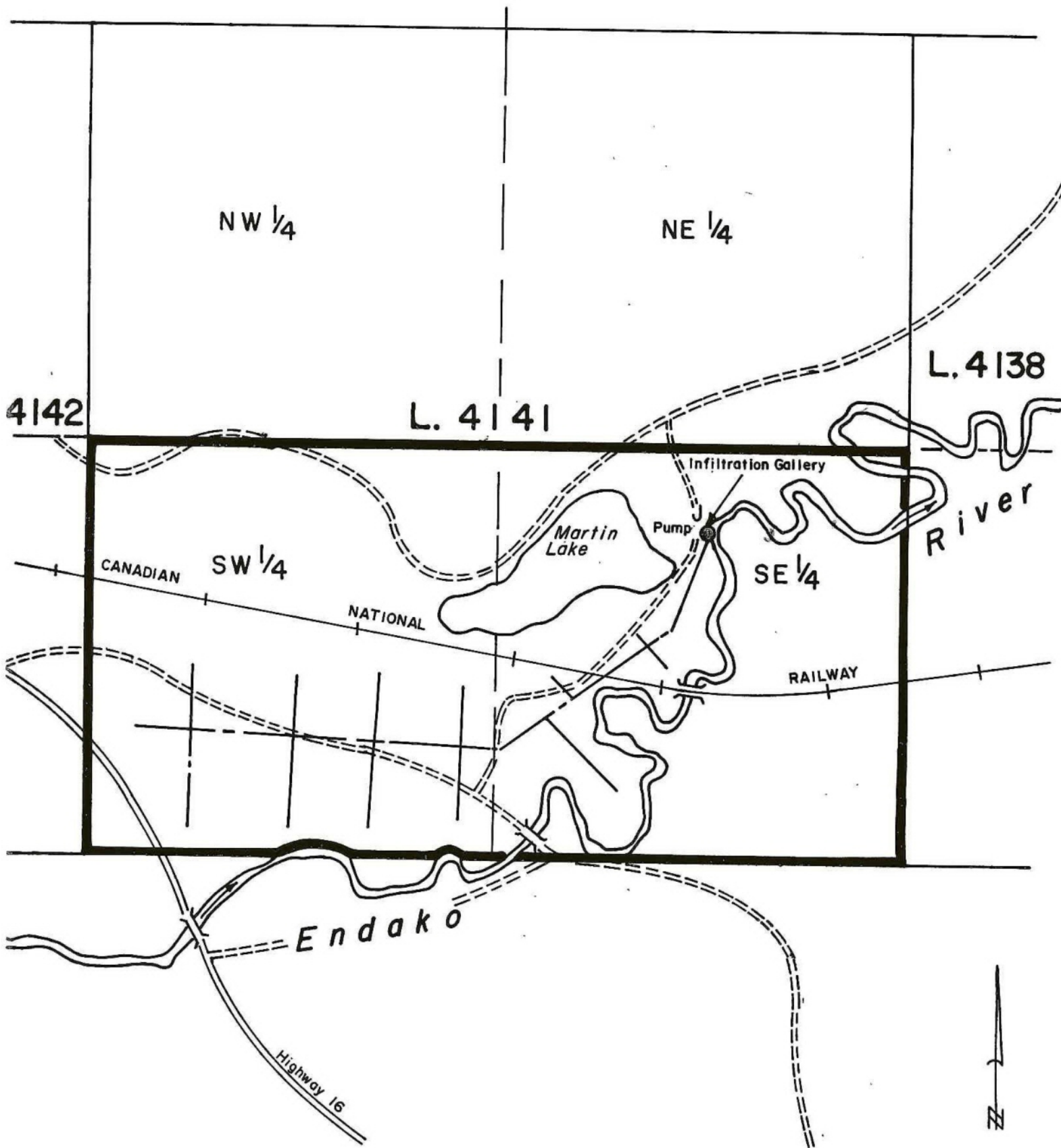
- (a) The stream on which the rights are granted is Endako River.
- (b) The point of diversion is located as shown on the attached plan.
- (c) The date from which this licence shall have precedence is 26th February, 1992.
- (d) The purpose for which this licence is issued is irrigation.
- (e) The maximum quantity of water which may be diverted is 70 acre feet per annum.
- (f) The period of the year during which the water may be used is 1st April to 30th September.
- (g) The land upon which the water is to be used and to which this licence is appurtenant is the South 1/2 of District Lot 4141, Range 5, Coast District of which 70 acres may be irrigated.
- (h) The works authorized are infiltration gallery, pump, pipe and irrigation system, which shall be located approximately as shown on the attached plan.
- (i) The construction of the said works shall be completed and the water beneficially used prior to the 31st day of December, 1997. Thereafter, the licensee shall continue to make a regular beneficial use of water in the manner authorized herein.



W. H. Dreher, P. Eng.
Regional Water Manager
Skeena Region



Province of British Columbia



WATER DISTRICT : HAZELTON
PRECINCT : BURNS LAKE
LAND DISTRICT : RANGE 5, COAST

LEGEND

Scale : 1:10,000
Point of Diversion : ●
Map Number : WR 93.K.014
Pipe : ————

Signature Wheeler
Date DEC 30 1994

C.L. 104459
File 6000698

The boundaries of the land to which this licence
is appurtenant are shown thus: **—————**

NOTE TO FILES:

6000698 – C104459 C108875

6000847 – C108646

6000915 – C111124

Patrick J. Lenhard

John T Sims

25720 East End Road

Burns Lake BC V0J 1E3 (address supplied by Technician in report)

The initial cancellations that were sent out to these clients were returned by Canada Post as undeliverable.

A search by administrative support staff in Canada 411 did not come up with any address results.

Land Titles came up with the following address:

Patrick J. Lenhard

John T. Sims

PO Box 2174

Pahoa Hawaii USA 96778

And, Rural Property Tax System came up with the following address:

Patrick J. Lenhard


John T. Sims

25720 East End Road

RR 3

Burns Lake BC V0J 1E3

The initial cancellations were resent out May 2, 2007 to both of the above addresses in hopes that one of these two is the correct address.


Brigitte Leffler
Portfolio Administrator

*Final cancellations sent out to
both addresses as well.*

Brigitte



BRITISH
COLUMBIA

The Best Place on Earth

File: 6000698

June 20, 2007

Patrick J. Lenhard
John T. Sims
25720 East End Road
Burns Lake BC V0J 1E3

REGISTERED MAIL

Dear Sirs:

Re: Conditional Water Licence, C108875² - Endako River & Martin Brook

Enclosed is an Order of Cancellation for the above licence.

Notwithstanding the cancellation of the rights held under this licence, the owner of the property or undertaking to which the licence was appurtenant is not relieved of liability for damage resulting from the works constructed, operated or maintained by the owner, or from a defect, insufficiency or failure of the works. For your protection, all works in the stream should be removed. In order to ensure that the proposed method of removal is acceptable, please contact Emily Bulmer at (250) 847-7350.

It should also be noted that any unauthorized use of water or construction of works is an offence under Sections 93 or 94 of the Water Act and could result in charges being laid and a fine imposed.

Section 92 of the Water Act gives the recipient of this notice the right to appeal my decision. You may file an appeal within 30 days of the date indicated on this letter. Information on filing an appeal can be found on the Environmental Appeal Board WEB site at: <http://www.eab.gov.bc.ca/>.

Yours truly,

Robert Piccini
Assistant Regional Water Manager

/rp

p.c. Ministry of Environment/CSD, Water Revenue Section, Victoria, BC
Ministry of Environment, Water Stewardship Division, Smithers BC Attn: Emily Bulmer

Ministry of
Environment

Water Stewardship Division

Mailing Address:
325-1011 Fourth Avenue
PRINCE GEORGE BC V2L 3H9

Telephone: (250) 565-6135
Facsimile: (250) 565-6629

Province of British Columbia

Water Act

ORDER SECTION 23

File No. 6000698

In accordance with the Notice of Proposed Cancellation, dated 27th day of April, 2007.

Conditional Water Licence C108875, Endako River, is hereby cancelled.

Dated at the City of Prince George, British Columbia, this 20th day of June, 2007.



Robert Piccini
Assistant Regional Water Manager

/bl

p.c. Ministry of Environment/CSD, Water Revenue Section, Victoria, BC
Ministry of Environment, Water Stewardship Division, Smithers BC Attn: Emily Bulmer



File: 6000698

April 27, 2007

Patrick J. Lenhard
John T. Sims
25720 East End Road
Burns Lake BC V0J 1E3

REGISTERED MAIL

Dear Sirs:

Re: Conditional Water Licence – C108875– Endako River & Martin Brook

Please find enclosed a Notice of Proposed Cancellation as prescribed under the Water Act for reasons stated herein.

If you have any questions or concerns, please contact Emily Bulmer, in the Smithers office, at (250) 847-7350.

Yours truly,

Brigitte Leffler
Portfolio Administrator

/bl

p.c. Ministry of Environment/CSD, Water Revenue Section, Victoria, BC
Ministry of Environment, Water Stewardship Division, Smithers BC Attn: Emily
Bulmer

Province of British Columbia

Water Act

NOTICE OF PROPOSED CANCELLATION

Section 23(2) (a), (b) and (c)

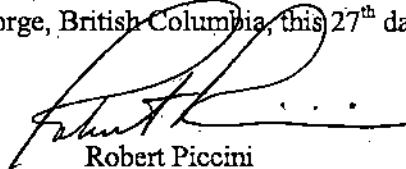
IN THE MATTER of Conditional Water Licence C108875 authorizing the diversion from Endako River of 1.0 cubic feet per second and 3.7 cubic feet per second from Martin Brook for conservation purpose on the fractional Southeast $\frac{1}{4}$ of District Lot 4141; the Southwest $\frac{1}{4}$ of District Lot 4141; the Northwest $\frac{1}{4}$ of District Lot 4138, all of Range 5, Coast District, except the Grand Trunk Pacific Railway Right-of-Way and any portion of the right of the Dominion Telegraph Line which may lie within the boundaries of the said lands.

WHEREAS it appears that the above mentioned licence has become subject to cancellation for failure:

- a) for 3 successive years to make beneficial use of the water for the purpose and in the manner authorized under the licence;
- b) within the time specified to construct the works authorized under the licence;
- c) for 3 years to pay the rentals due to the government in respect to the licence.

YOU ARE HEREBY NOTIFIED that unless cause to the contrary is shown on or before the 28th day of May, 2007, said Conditional Water Licence Number C108875 will be cancelled.

DATED at the City of Prince George, British Columbia, this 27th day of April, 2007.



Robert Piccini
Assistant Regional Water Manager

p.c. Ministry of Environment/CSD, Water Revenue Section, Victoria, BC
Ministry of Environment, Water Stewardship Division, Smithers BC Attn: Emily Bulmer

Licence Number: C108875	File Number: 6000698
Dist/Prec: 12A HAZ - BURNS LAKE	
Region: 06 SKEENA	Priority Date: 1992/02/26
Licence Status: X	Lic. Status Date: 2007/06/20
Process Status: N/A	Proc Status Date: 2007/06/20
Lic. Exp. Date: -	Balance Owed: 175.02

Appurtenancy:

FRAC SE 1/4 OF L 4141 SW 1/4 OF L 4141 NW 1/4 OF L 4138 ALL OF R 5 COAST D
 IST EXC THE GRAND TRUCK PACIFIC RAILWAY R/W AND ANY PORTION OF THE RIGHT O
 F THE DOMINION TELEGRAPH LINE WHICH MAY LIE WITHIN THE BOUNDARIES OF SAID

PID(s): 009-431-306 R 015-209-563 R 015-213-722 R

Licensee No. 1 (Client Last Updated: 2003/04/08 By Region: 00)

Client No: s.21	Work Phone: -----
ARMAGH INVESTMENTS LTD.	Home Phone: -----
101- 20689 FRASER HWY	Other Phone: -----
LANGLEY BC	
V3A4G4	

Left system in system for info

Licensee No. 2 (Client Last Updated: 2006/10/02 By Region: 00)

Client No: s.22	Work Phone: -----
LENHARD PATRICK JAMES	Home Phone: s.22
SIMS JOHN THOMAS	Other Phone: -----
25720 EAST END RD	Receives Bill: Y
BURNS LAKE BC	
V0J1E3	

Permits Over Crown Land:

PCL No	PCL Code	Description	Acres	Billed With Lic
21352	06B	PCL/O	2.780	Y

Total Licence Demand:

PUC	Description	Quantity/Units	From	To	Irrigated Area
11B	CONUS	4.700 CS	Jan.01	Dec.31	-

Licence Comments:

POD 1:

Map No/POD I.D: 93.K.014 F (PD65526)

PUC	Description	Quantity/Units	Qty	Sto	From	To	Rediv:	N
11B	CONUS	3.700 C	D		Jan.01	Dec.31	Irrigated Area	-

POD Comments:

WSC:	180	Source: Martin Brook	Gaz/Alias: A
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POD 2:

Map No/POD I.D: 93.K.014 G (PD65529)

Rediv: Y

POD Comments:

WSC: 180

Source: Wellman Pond

Gaz/Alias: A

POD 3:

Map No/POD I.D: 93.K.014 J (PD65531)

Rediv: N

PUC	Description	Quantity/Units	Qty	Sto	From	To	Irrigated Area
11B	CONUS	1.000 C	D		Jan.01	Dec.31	-

POD Comments:

WSC: 180

Source: Endako River

Gaz/Alias: G

POD 4:

Map No/POD I.D: 93.K.014 K (PD70225)

Rediv: Y

POD Comments:

WSC: 180

Source: Upper Martin Lake

Gaz/Alias: G

Licence Number: C108875	File Number: 6000698
Dist/Prec: 12A HAZ - BURNS LAKE	
Region: 06 SKEENA	Priority Date: 1992/02/26
Licence Status: P	Lic. Status Date: 2007/04/27
Process Status: C/P	Proc Status Date: 2007/04/27
Lic. Exp. Date: -	Balance Owed: 175.02

Appurtenancy:

FRAC SE 1/4 OF L 4141 SW 1/4 OF L 4141 NW 1/4 OF L 4138 ALL OF R 5 COAST D
 IST EXC THE GRAND TRUCK PACIFIC RAILWAY R/W AND ANY PORTION OF THE RIGHT O
 F THE DOMINION TELEGRAPH LINE WHICH MAY LIE WITHIN THE BOUNDARIES OF SAID

PID(s): 009-431-306 R 015-209-563 R 015-213-722 R

Licensee No. 1 (Client Last Updated: 2003/04/08 By Region: 00)

Client No: s.21	<i>Left in system for Victoria information</i>	Work Phone: -----
ARMAGH INVESTMENTS LTD.		Home Phone: -----
101- 20689 FRASER HWY		Other Phone: -----
LANGLEY BC		
V3A4G4		

Licensee No. 2 (Client Last Updated: 2006/10/02 By Region: 00)

Client No: s.22	Work Phone: -----
LENHARD PATRICK JAMES	Home Phone: s.22
SIMS JOHN THOMAS	Other Phone: -----
25720 EAST END RD	Receives Bill: Y
BURNS LAKE BC	
VOJ1E3	

Permits Over Crown Land:

PCL No	PCL Code	Description	Acres	Billed With Lic
21352	06B	PCL/O	2.780	Y

Total Licence Demand:

PUC	Description	Quantity/Units	From	To	Irrigated Area
11B	CONUS	4.700 CS	Jan.01	Dec.31	-

Licence Comments:

POD 1:

Map No/POD I.D: 93.K.014 F (PD65526)

PUC	Description	Quantity/Units	Qty	Sto	From	To	Rediv:	N
11B	CONUS	3.700 C	D		Jan.01	Dec.31	Irrigated Area	-

POD Comments:

WSC:	180	Source: Martin Brook	Gaz/Alias: A
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POD 2:

Map No/POD I.D: 93.K.014 G (PD65529)

Rediv: Y

POD Comments:

WSC: 180 Source: Wellman Pond Gaz/Alias: A

POD 3:

Map No/POD I.D: 93.K.014 J (PD65531)

PUC	Description	Quantity/Units	Qty	Sto	From	To	Rediv:	Irrigated Area
11B	CONUS	1.000 C	D		Jan.01	Dec.31	N	-

POD Comments:

WSC: 180 Source: Endako River Gaz/Alias: G

POD 4:

Map No/POD I.D: 93.K.014 K (PD70225)

Rediv: Y

POD Comments:

WSC: 180 Source: Upper Martin Lake Gaz/Alias: G

Licence Number: C108875 File Number: 6000698
Dist/Prec: 12A HAZ - BURNS LAKE
Region: 06 SKEENA Priority Date: 1992/02/26
Licence Status: P Lic. Status Date: 1994/12/30
Process Status: A/A Proc Status Date: 2003/04/08
Lic. Exp. Date: - Balance Owed: 135.04

Appurtenancy:

FRAC SE 1/4 OF L 4141 SW 1/4 OF L 4141 NW 1/4 OF L 4138 ALL OF R 5 COAST D
IST EXC THE GRAND TRUCK PACIFIC RAILWAY R/W AND ANY PORTION OF THE RIGHT O
F THE DOMINION TELEGRAPH LINE WHICH MAY LIE WITHIN THE BOUNDARIES OF SAID

PID(s): 009-431-306 R 015-209-563 R 015-213-722 R

Licensee No. 1 (Client Last Updated: 2003/04/08 By Region: 00)

Client No: s.21 Work Phone: -----
ARMAGH INVESTMENTS LTD. Home Phone: -----
101- 20689 FRASER HWY Other Phone: -----
LANGLEY BC
V3A4G4

Licensee No. 2 (Client Last Updated: / / By Region:)

Client No: 999999 Work Phone: -----
TO BE DETERMINED Home Phone: -----
PLEASE CONTACT NEAREST Other Phone: -----
MINISTRY OF ENVIRONMENT Receives Bill: Y
WATER MANAGEMENT OFFICE

Permits Over Crown Land:

PCL No	PCL Code	Description	Acres	Billed With Lic
21352	06B	PCL/O	2.780	Y

Total Licence Demand:

PUC	Description	Quantity/Units	From	To	Irrigated Area
11B	CONUS	4.700 CS	Jan.01	Dec.31	-

Licence Comments:

POD 1:

Map No/POD I.D: 93.K.014 F (PD65526)

PUC	Description	Quantity/Units	Qty	Sto	From	To	Rediv:	Irrigated Area
11B	CONUS	3.700 C	D		Jan.01	Dec.31	N	-

POD Comments:

WSC: 180 Source: Martin Brook Gaz/Alias: A

POD 2:

Map No/POD I.D: 93.K.014 G (PD65529)

PUC	Description	Quantity/Units	Qty	Sto	From	To	Rediv:	Irrigated Area
11B	CONUS	3.700 C	D		Jan.01	Dec.31	Y	-

POD Comments:

WSC: 180 Source: Wellman Pond Gaz/Alias: A

Total Licence Demand:

PUC	Description	Quantity/Units	From	To	Irrigated Area
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POD 3:

Map No/POD I.D: 93.K.014 J (PD65531)

Rediv: N

PUC	Description	Quantity/Units	Qty	Sto	From	To	Irrigated Area
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11B	CONUS	1.000 C	D		Jan.01	Dec.31	-
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POD Comments:

WSC: 180

Source: Endako River

Gaz/Alias: G

POD 4:

Map No/POD I.D: 93.K.014 K (PD70225)

Rediv: Y

POD Comments:

WSC: 180

Source: Upper Martin Lake

Gaz/Alias: G

File: 6000698

June 20, 2007

Patrick J. Lenhard
John T. Sims
25720 East End Road
Burns Lake BC V0J 1E3

REGISTERED MAIL

Dear Sirs:

Re: Conditional Water Licence C104459 Endako River

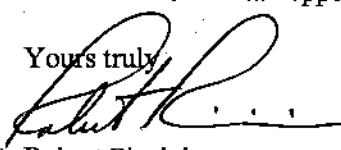
Enclosed is an Order of Cancellation for the above licence.

Notwithstanding the cancellation of the rights held under this licence, the owner of the property or undertaking to which the licence was appurtenant is not relieved of liability for damage resulting from the works constructed, operated or maintained by the owner, or from a defect, insufficiency or failure of the works. For your protection, all works in the stream should be removed. In order to ensure that the proposed method of removal is acceptable, please contact Emily Bulmer at (250) 847-7350.

It should also be noted that any unauthorized use of water or construction of works is an offence under Sections 93 or 94 of the Water Act and could result in charges being laid and a fine imposed.

Section 92 of the Water Act gives the recipient of this notice the right to appeal my decision. You may file an appeal within 30 days of the date indicated on this letter. Information on filing an appeal can be found on the Environmental Appeal Board WEB site at: <http://www.eab.gov.bc.ca/>.

Yours truly,



Robert Piccini
Assistant Regional Water Manager

/rp

p.c. Ministry of Environment/CSD, Water Revenue Section, Victoria, BC
Ministry of Environment, Water Stewardship Division, Smithers BC Attn: Emily Bulmer

Province of British Columbia

Water Act

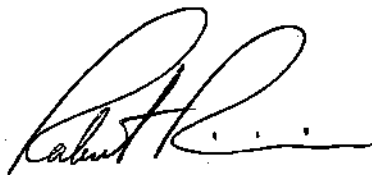
ORDER SECTION 23

File No. 6000698

In accordance with the Notice of Proposed Cancellation, dated 27th day of April, 2007.

Conditional Water Licence C104459, Endako River, is hereby cancelled.

Dated at the City of Prince George, British Columbia, this 20th day of June, 2007.



Robert Piccini
Assistant Regional Water Manager

/bl

p.c. Ministry of Environment/CSD, Water Revenue Section, Victoria, BC
Ministry of Environment, Water Stewardship Division, Smithers BC Attn: Emily Bulmer



File: 6000698

April 27, 2007

Patrick J. Lenhard
John T. Sims
25720 East End Road
Burns Lake BC V0J 1E3

REGISTERED MAIL

Dear Sirs:

Re: Conditional Water Licence – C104459 – Endako River

Please find enclosed a Notice of Proposed Cancellation as prescribed under the Water Act for reasons stated herein.

If you have any questions or concerns, please contact Emily Bulmer, in the Smithers office, at (250) 847-7350.

Yours truly,

Brigitte Leffler
Portfolio Administrator

/bl

p.c. Ministry of Environment/CSD, Water Revenue Section, Victoria, BC
Ministry of Environment, Water Stewardship Division, Smithers BC Attn: Emily
Bulmer

Province of British Columbia

Water Act

NOTICE OF PROPOSED CANCELLATION

Section 23(2) (a), (b) and (c)

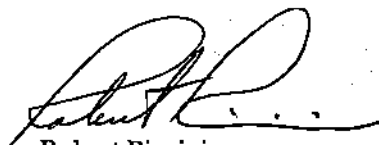
IN THE MATTER of Conditional Water Licence C104459 authorizing the diversion and use of 70 acre feet of water per annum from Endako River for irrigation purpose on the South ½ of District Lot 4141, Range 5, Coast District.

WHEREAS it appears that the above mentioned licence has become subject to cancellation for failure:

- a) for 3 successive years to make beneficial use of the water for the purpose and in the manner authorized under the licence;
- b) within the time specified to construct the works authorized under the licence;
- c) for 3 years to pay the rentals due to the government in respect to the licence.

YOU ARE HEREBY NOTIFIED that unless cause to the contrary is shown on or before the 28th day of May, 2007, said Conditional Water Licence Number C104459 will be cancelled.

DATED at the City of Prince George, British Columbia, this 27th day of April, 2007.



Robert Piccini
Assistant Regional Water Manager

p.c. Ministry of Environment/CSD, Water Revenue Section, Victoria, BC
Ministry of Environment, Water Stewardship Division, Smithers BC Attn: Emily Bulmer

Licence Number:	C104459	File Number:	6000698
Dist/Prec:	12A HAZ - BURNS LAKE		
Region:	06 SKEENA	Priority Date:	1992/02/26
Licence Status:	X	Lic. Status Date:	2007/06/20
Process Status:	N/A	Proc Status Date:	2007/06/20
Lic. Exp. Date:	-	Balance Owed:	200.11

Appurtenancy:

S 1/2 OF L 4141 R 5 COAST DIST

PID(s): 009-431-306 R 015-209-563 R 015-213-722 R 015-932-648 R

Licensee No. 1 (Client Last Updated: 2006/10/02 By Region: 00)

Client No: s.22

Work Phone: -----

LENHARD PATRICK JAMES

Home Phone: s.22

SIMS JOHN THOMAS

Other Phone:

25720 EAST END RD

Receives Bill: Y

BURNS LAKE BC

V0J1E3

Total Licence Demand:

PUC	Description	Quantity/Units	From	To	Irrigated Area
03B	IRR	70.000 AF	Apr.01	Sep.30	70.000

Licence Comments:

POD 1:

Map No/POD I.D: 93.K.014 J (PD65531)

Rediv: N

PUC	Description	Quantity/Units	Qty	Sto	From	To	Irrigated Area
03B	IRR	70.000 A	T		Apr.01	Sep.30	70.000

POD Comments:

WSC: 180

Source: Endako River

Gaz/Alias: G

Licence Number: C104459 File Number: 6000698
Dist/Prec: 12A HAZ - BURNS LAKE
Region: 06 SKEENA Priority Date: 1992/02/26
Licence Status: P Lic. Status Date: 2007/04/27
Process Status: C/P Proc Status Date: 2007/04/27
Lic. Exp. Date: - Balance Owed: 200.11

Appurtenancy:

S 1/2 OF L 4141 R 5 COAST DIST

PID(s): 009-431-306 R 015-209-563 R 015-213-722 R 015-932-648 R

Licensee No. 1 (Client Last Updated: 2006/10/02 By Region: 00)

Client No: s.22

Work Phone: -----

LENHARD PATRICK JAMES

Home Phone: s.22

SIMS JOHN THOMAS

Other Phone:

25720 EAST END RD

Receives Bill: Y

BURNS LAKE BC

VOJ1E3

Total Licence Demand:

PUC	Description	Quantity/Units	From	To	Irrigated Area
03B	IRR	70.000 AF	Apr.01	Sep.30	70.000

Licence Comments:

POD 1:

Map No/POD I.D: 93.K.014 J (PD65531)

Rediv: N

PUC	Description	Quantity/Units	Qty	Sto	From	To	Irrigated Area
03B	IRR	70.000 A	T		Apr.01	Sep.30	70.000

POD Comments:

WSC: 180

Source: Endako River

Gaz/Alias: G

Licence Number: C104459 File Number: 6000698
Dist/Prec: 12A HAZ - BURNS LAKE
Region: 06 SKEENA Priority Date: 1992/02/26
Licence Status: C Lic. Status Date: 1994/12/30
Process Status: N/A Proc Status Date: -
Lic. Exp. Date: - Balance Owed: 156.94

Appurtenancy:
S 1/2 OF L 4141 R 5 COAST DIST

PID(s): 009-431-306 R 015-213-722 R

Licensee No. 1 (Client Last Updated: 2006/10/02 By Region: 00)

Client No: s.22

Work Phone: -----

LENHARD PATRICK JAMES

Home Phone: s.22

SIMS JOHN THOMAS

Other Phone:

25720 EAST END RD

Receives Bill: Y

BURNS LAKE BC

V0J1E3

Total Licence Demand:

PUC	Description	Quantity/Units	From	To	Irrigated Area
03B	IRR	70.000 AF	Apr.01	Sep.30	70.000

Licence Comments:

POD 1:

Map No/POD I.D: 93.K.014 J (PD65531)

Rediv: N

PUC	Description	Quantity/Units	Qty	Sto	From	To	Irrigated Area
03B	IRR	70.000 A	T		Apr.01	Sep.30	70.000

POD Comments:

WSC: 180

Source: Endako River

Gaz/Alias: G

Leffler, Brigitte ENV:EX

From: Bulmer, Emily M ENV:EX
Sent: June 20, 2007 9:38 AM
To: Leffler, Brigitte ENV:EX
Cc: McCarville, Marilyn E. ENV:EX
Subject: RE: Patrick J. Lenhard & John T. Sims - resending as I am leaving on holidays June 5th @ noon

Hi Brigitte,

I have not received a call from Patrick Lenhard or John Sims about the proposed cancellation of licences on Nancy Creek or Endako River.

Cheers,
Emily

Emily Bulmer

Water Stewardship Technician
Water Stewardship Division
Ministry of Environment, Skeena Region
phone: (250) 847-7350 fax: (250) 847-7556
email: Emily.Bulmer@gov.bc.ca

From: Leffler, Brigitte ENV:EX
Sent: Monday, June 4, 2007 3:50 PM
To: Bulmer, Emily M ENV:EX
Cc: Leffler, Brigitte ENV:EX; McCarville, Marilyn E. ENV:EX
Subject: FW: Patrick J. Lenhard & John T. Sims - resending as I am leaving on holidays June 5th @ noon

Emily,

If you get to this (incase Smithers is no longer flooding :) :). Please respond directly to Marilyn McCarville as I will not be back into the office until June 18; She has paperwork ready to go for final cancellations on these water licenses.

Thanks,
B

-----Original Message-----

From: Leffler, Brigitte ENV:EX
Sent: May 28, 2007 9:46 AM
To: Bulmer, Emily M ENV:EX
Cc: Downie, AJ ENV:EX
Subject: Patrick J. Lenhard & John T. Sims

G'Day:

On April 27th I sent to the above clients, proposed cancellations on their following water licenses.

- ✓ 6000915 - C111124 - Nancy Creek (Conservation)
- ✓ 6000847 - C108646 - Nancy Creek (Waterworks, Industrial (golf course), Storage)
- ✓ 6000698 - C108875 - Endako River & Martin Creek (Irrigation, Conservation)
- ✓ 6000698 - C104459 - Endako River

Have either one of you had any feedback, via telephone or mail that would indicate that the licensees wish to keep their licenses?

If not, please respond via e-mail and I will proceed with the final cancellations of these water licences.

Thanks,

Brigitte Leffler
Portfolio Administrator
Water Stewardship Division

REPORT for Water Licence Amendment

Section 23 Suspension and cancellation of rights and licences

A Existing Licence Information

Licensee	Patrick James Lenhard John Thomas Sims	File	6000698	
Address	25720 East End Road Burns Lake BC V0J 1E3	Water Licence	a) C104459 b) C108875	
Phone	s.22	Water District	Hazelton	
		Precinct	Burns Lake	
Priority Date	a) and b) February 26, 1992			
Source:	a) Endako River b) Endako River and Martin Brook	Tributary to	a) Stellako River b) Stellako River	
WR Map and POD	a) 93.K.014 J b) 93.K.014 F, G, J & K	PD Number	a) 65531 b) 65526, 65529, 65531 & 70225	
Appurtenant Land	Description	a) South ½ of District Lot 4141, Range 5, Coast District b) Fractional Southeast ¼ of District Lot 4141; the Southwest ¼ of District Lot 4141; the Northwest ¼ of District Lot 4138, all Range 5, Coast District, except the Grand Trunk Pacific Railway Right-of-Way and any portion of the right of the Dominion Telegraph Line		
Authorized Works	a) infiltration gallery, pump, pipe and irrigation system b) infiltration gallery, pump, diversion ditches, pipe, headgate, trash rack and log boom			
Number of Buildings	N/A			
b) Permit over Crown land No. 21352	Flooding, 2.0 ac.; pipeline 1,650 feet long by 15 feet wide, equalling 0.57 ac.; and ditch 300 feet long by 30 feet wide, equalling 0.21 acres; totalling 2.78 acres within a portion of District Lot 4141, Range 5, Coast District			
Purpose	Quantity	Period of Use	Duty	Area
a) Irrigation	70 ac ft	1 st April to 30 th Sept.	1	70 ac
b) Conservation	1 cfs & 3.7 cfs*	Whole Year	N/A	N/A

1 cfs on Endako River and 3.7 cfs on Martin Brook

B. General Description of Amendment

These licenses are being recommended to be cancelled as the works have not been constructed, nor have the rentals been paid for more than 3 years.

C. Administrative Details

1. Fees Received

Received amount _____ nil Receipt Number _____ nil

2. Notifications

Gord Wolfe, Technical Water Officer, met with the new landowners and inspected the site (no date given) and also obtained abandonment forms from the owners.

Ken Kvist, Technical Water Officer, spoke with Mr. Sims, one of the landowners, on April 10, 2007 and advised him that he would be recommending that this licence and his other licenses would be cancelled as works have not been constructed and fees have not been paid for more than 3 years.

3. Site Inspections

Gord Wolfe, Technical Water Officer, inspected the site with the new owners. His notes state that "only a very minor portion of works associated with these licenses has been constructed." The constructed works are: a) diversion ditch from Martin Brook; b) well casing/pumphouse beside Endako River; c) some other ditch excavations, but not connected to any source. He also noted that the new owners have no plans to use the water in the manner authorized on the licenses.

4. Discussion

Licenses C108875 and C104459 were issued to the landowner, Mr. Wellman (North American Cattle Co Ltd), on December 30, 1994, as he had plans for ponds and a stream system to raise fish for public sport fishing. On another project, the licensee had plans to construct a destination resort and golf course on that property. On July 11, 2001 Mr. Wellman wrote that he would not be able to proceed with the development of his resort s.22

s.22

In September 2001, Armagh Investments Ltd purchased a portion of the property and in November 2004, Dr. Lenhard and Mr. Sims purchased all of the property.

5. Property Ownership

Fractional Southeast ¼ of District Lot 4141, Range 5, Coast District, John Thomas Sims, C/T BA602997, PID 015-213-722; confirmed April 4/07

Southwest ¼ of District Lot 4141, Range 5, Coast District, except that part thereof lying to the South of the Grand Trunk Pacific Railway R/W and except any portion of the R/W of the Dominion Telegraph Line having a width of 100 ft which may lie within the boundaries of these lands, except Plan 5329; Patrick James Lenhard and John Thomas Sims, C/T BW514358, PID 009-431-306, confirmed April 4/07

Northwest ¼ (North ½) of District Lot 4138, all Range 5, Coast District, Patrick James Lenhard and John Thomas Sims, C/T W514361, PID 015-209-563, confirmed April 11/07

That part of the Southwest ¼ of District Lot 4141, Range 5, Coast District, lying South of the Grand Trunk Railway R/W except any portion of the Right of the Dominion Telegraph Line which may lie within the boundaries of the said land, Patrick James Lenhard, C/T BA602995, PID 015-932-648, confirmed April 11/07

The address for these gentlemen is as shown in Section A, above.

6. FN Information

A synopsis is not required as the licenses are being cancelled.

D. Recommendations

I recommend that Licenses C104459 and C108875 be cancelled under Sections 23 (2) (a), (b) and (c) of the Water Act.

When Gord Wolfe inspected the property he reported that, in essence, the works had not been constructed and that the water has not been beneficially used.

Water rental fees have not been paid for more than 3 years. In scrolling through WLIS it appears that the last year rentals may have been paid was in 1998. The original licensee owned the property until 2001, after which a company owned a portion the appurtenant land until 2004. The present landowners purchased the property in 2004. These owners have no interest in using the licensed water and have signed abandonment forms for this licence and another licence. Since the new landowners have no interest in using the water I am recommending that the licenses be cancelled so that they will not have to pay rentals for the past 3 years.

Prepared	<i>K.E. Kvist</i>	Date	April 23, 2007
Name	K.E. Kvist		
Title	Technical Water Officer		
Accepted	<i>RP</i>	Date	<i>April 27/07</i>
Name	Robert Piccini		
Title	Assistant Regional Water Manager		

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Withheld pursuant to/removed as

s.3

District Lot 4141, R5C1D - 804

Plan No. 5329
 Drawn in the Land Registry Office at
 Prince Rupert this 21 day of 1962

E. J. [Signature]
 Deputy Registrar

PLAN OF RIGHT OF WAY OF
 THE NORTHERN TRANS PROVINCIAL HIGHWAY
 FROM THE SOUTH BOUNDARY OF LOT 4141
 TO THE WEST BOUNDARY OF LOT 4148
 RANGE 5 COAST DISTRICT

Scale 200 feet = 1 inch
 Bearings are astronomical, derived from Poincaré observations and
 referred to the meridian through Station Q.
 Bearings to existing trees are magnetic.
 Distances are in feet.

TRAVERSE TABLE

Sta	Bearing	Distance	10000.00	50000.00
1	N 0° 15' 20" W	1202.02	110 55.31	20 504.23
2	N 86° 30' W	1378.07	16 10.16	3 753.05
3	N 49° 35' 20" W	1285.83	12 23.06	24 827.84
4	N 85° 53' 30" W	4317.36	14 54.10	25 552.73
5	S 0° 43' 33" W	4581.26	14 53.24	1 7734.30
6	N 66° 25' 00" W	1046.40	10 662.31	13 977.43
7	N 44° 16' 11" W	1447.63	13 752.50	10 403.33
8	N 37° 14' 10" W	1391.31	3 462.38	9 972.57
9	N 34° 20' W	2304.26	24 112.71	8 283.14

BOOK OF REFERENCE

SW 1/4 L441	400 Acres	SE 1/4 L442	400 Acres
SE 1/4 L442	400 Acres	SW 1/4 L443	400 Acres
SW 1/4 L443	400 Acres	NE 1/4 L444	400 Acres
NE 1/4 L444	400 Acres	SE 1/4 L445	400 Acres
SE 1/4 L445	400 Acres	SW 1/4 L446	400 Acres

- LEGEND
- BCW Standard Concrete And
 - AP Standard Pipe Post
 - LP Standard Iron Bar Post
 - W Wooden Post
 - SM Stone Marker
 - IRP Iron Rod
 - MT Metal
 - Q (Q) Existing stone symbol denotes evidence found
 - Stk Survey Stakes
 - E Eminent
 - C Crops
 - S Survey

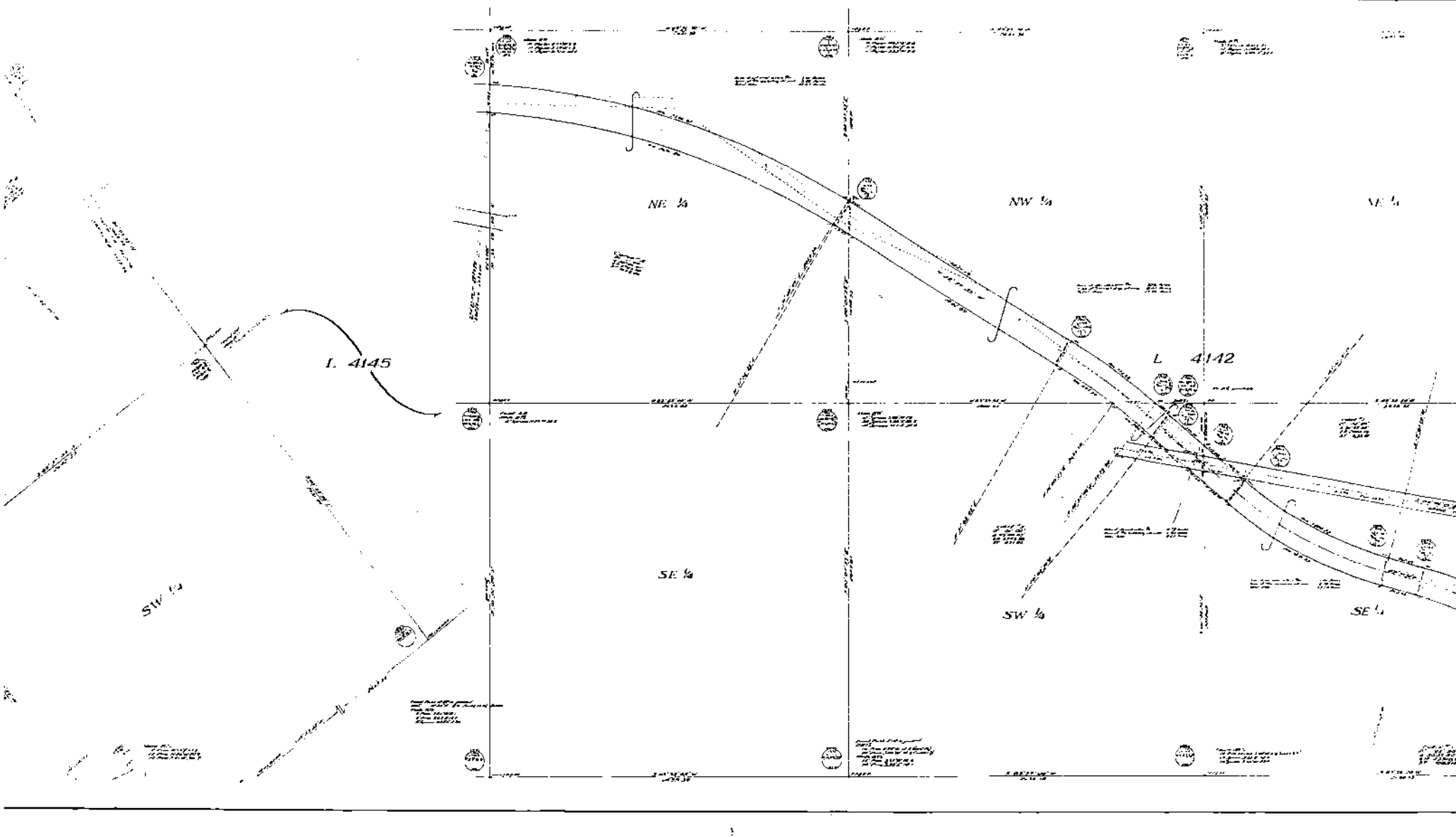
Approved under the Land Registry Act
 the Deputy Registrar

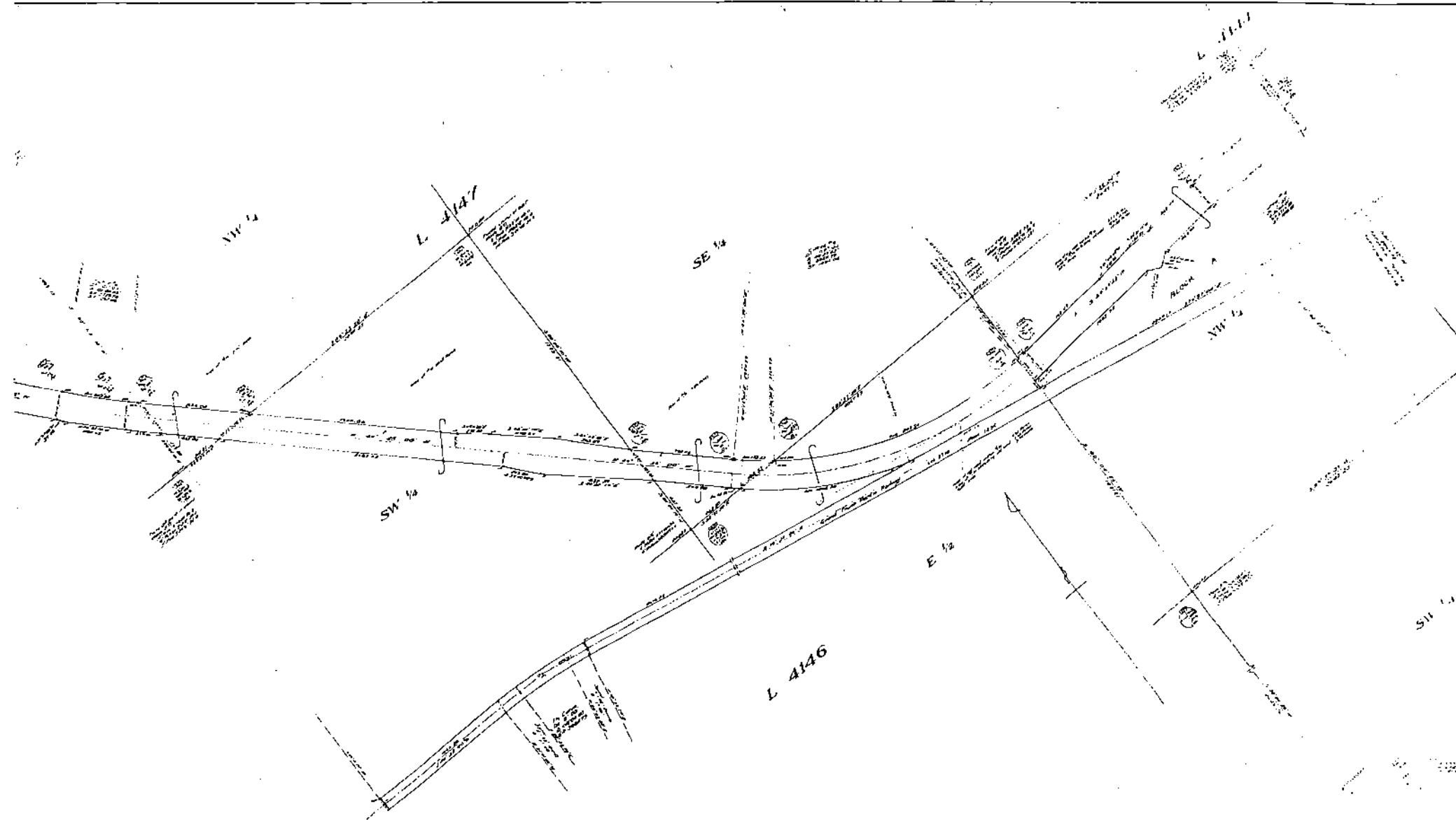
[Signature]
 Approving Officer
 Department of Highways

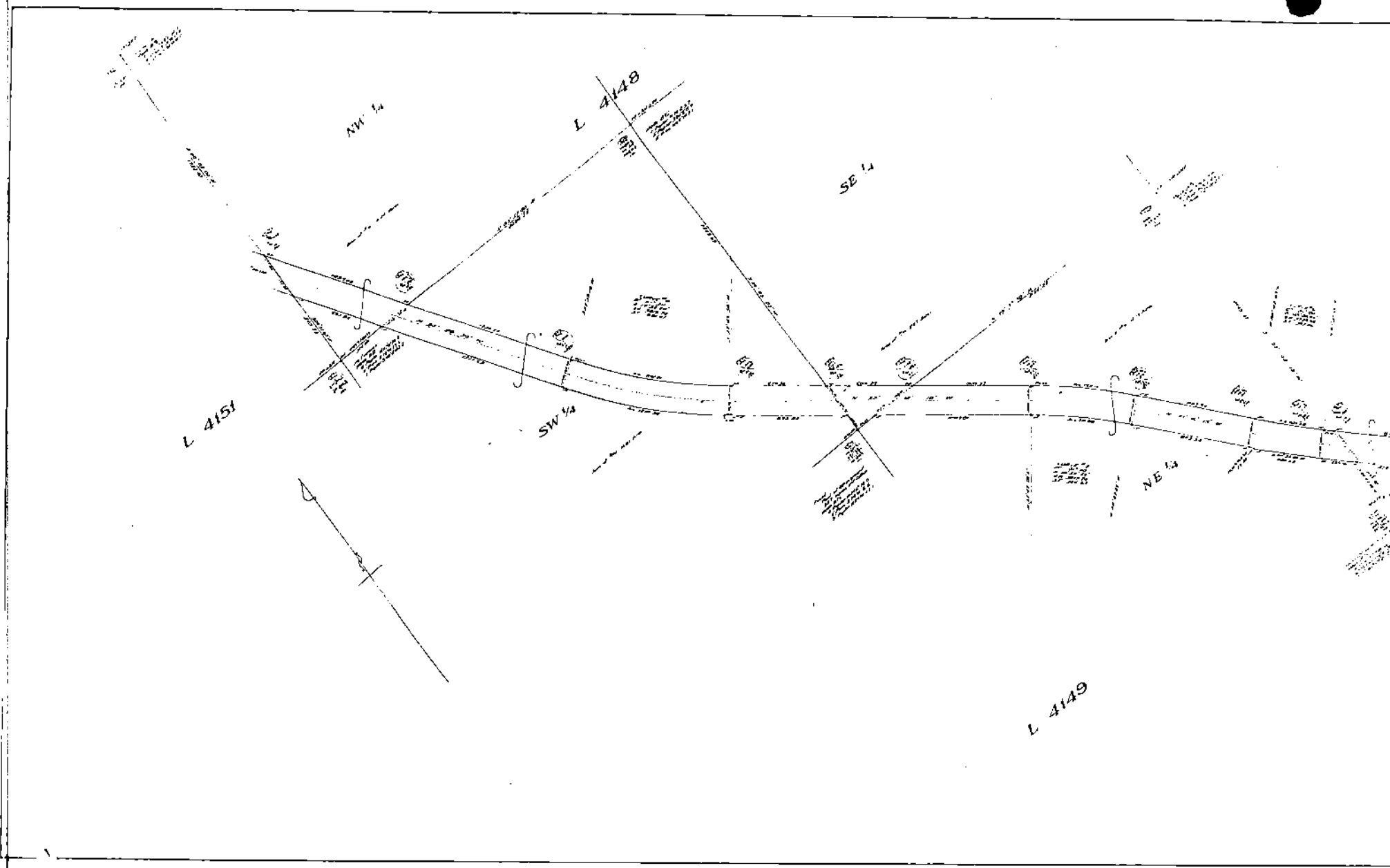
I, J. Shannon of the City of Victoria, British
 Columbia, being duly sworn, depose and say that
 I was present at and witnessed the surveying
 survey conducted by the party and that the
 survey and plan are correct. The survey was
 completed on the 21 day of April 1962.

[Signature] JCL
 sworn before me this
 22 day of April 1962

[Signature]
 A Commissioner for taking affidavits
 within British Columbia







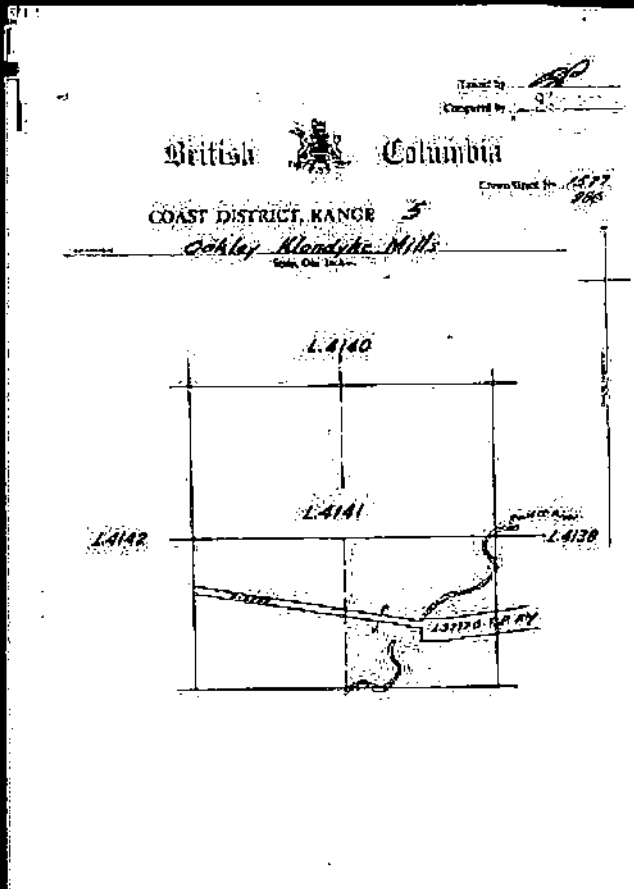


Image Server Provided By LizardTech, Inc.

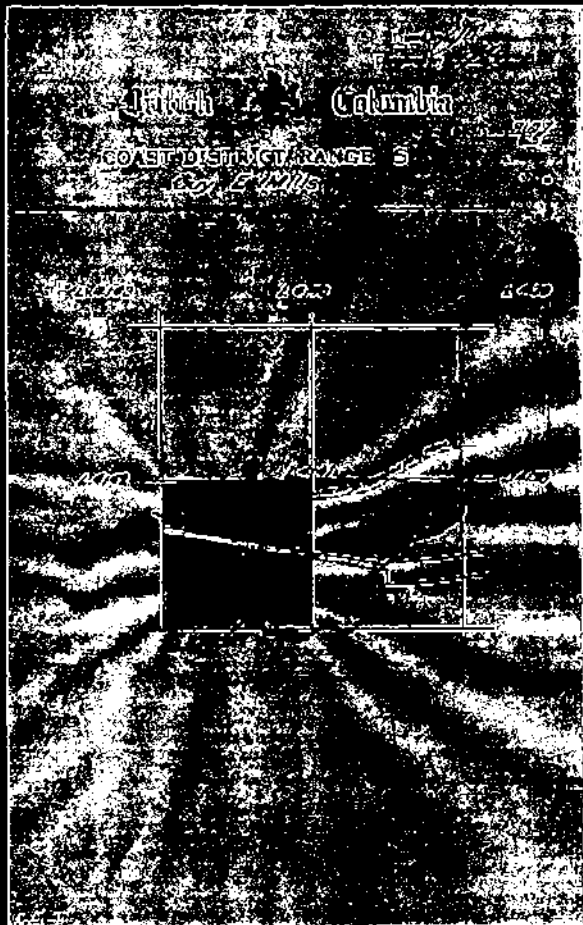


Image Server Provided By LizardTech, Inc.

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Withheld pursuant to/removed as

s.3

Kvist, Ken E ENV:EX

From: Wolfe, Gord ENV:EX
Sent: March 1, 2007 4:01 PM
To: Kvist, Ken E ENV:EX
Subject: FW: Water licence and arrears for Patrick Lenhard and John Sims client s.22 Licence C108646

Some information regarding one of the files I sent you. Originally I thought if they abandoned the licences that would be a good idea but then I thought that since very little of the works authorized in the licences were actually constructed maybe we should just cancel these licences and forget the monies owing. - Gord

-----Original Message-----

From: Curtis, Marie E CSD:EX
Sent: July 10, 2006 1:50 PM
To: Wolfe, Gord ENV:EX
Subject: RE: Water licence and arrears for Patrick Lenhard and John Sims client s.22 Licence C108646

Hi Gord,

Your words suggest that you are waiting for Lenhard and Sims to do something whereas when I spoke with them, they were waiting for you to do something. If, in fact, you are waiting for them to abandon some or all of the licences, are they aware that the longer they wait, the more it will cost since they are on the hook to pay up to the day we receive the notice of abandonment?

Is there anything I can do to assist with this exchange of info?

- Marie

-----Original Message-----

From: Wolfe, Gord ENV:EX
Sent: June 13, 2006 11:45 AM
To: Curtis, Marie E CSD:EX
Subject: RE: Water licence and arrears for Patrick Lenhard and John Sims clients s.22 Licence C108646

Yes I spoke to Mr. Lenhard and Mr. Sims. From what they described most of the works licenced under C108646, C104459 & C108875 were never constructed by the previous owner Roi Wellman. Mr. Wellman had big plans to construct a golf course and RV camping area s.22 prior to getting very far along implementing his plan. I left Mr. Lenhard and Mr. Sims a copy of the licence showing the works and requested them to consider how they wanted to use in the future on their property. I told them I would be sending them some more information and would include an abandonment form. I suspect they will abandon the licences as the volumes allocated are way higher than they need. I want to field inspect this site to ensure the works were not constructed and those that were are in a safe condition. Once the form is signed I will prepare a short report to explain the history of this mess. The new owners should not be on the hook for these outstanding fees in my opinion. Water Management staff in 2001 should have taken some action regarding these licences when Mr. Wellman contacted the office and informed us he was s.22 I hope this is the information you were requesting.

Gord Wolfe
Water Stewardship Division
Ministry of Environment
Skeena Region
phone: 847-7691 fax: 847-7556
email: Gord.Wolfe@gov.bc.ca

-----Original Message-----

From: Curtis, Marie E CSD:EX
Sent: June 12, 2006 11:40 AM
To: Wolfe, Gord ENV:EX

Subject: Water licence and arrears for Patrick Lenhard and John Sims client s.22 Licence C108646

Hello Gord,

I am working on cleaning up Accounts Receivable and tackled this file last Friday: Patrick Lenhard and John Sims client 70774, Licence C108646. Patrick returned my call today. He said that you had already visited the site and taken pictures. He said that they knew nothing of the Water licence when they bought the s.22 property s.22. And he said they are not using the water.

I would like to hear your perspective on this matter. Are they using any water that requires a water licence or a continuation of the water licence appurtenant to the land they own?

The outstanding amount on the licence is \$888.22. If they have no use for any aspect of the current licence and don't pay, then the licence will be cancelled. Subject to your wisdom, is it possible that another aspect of Water Act 23 could apply so that the licence could be cancelled without regard to the money owed?

Gord, I am here today and Tuesday, then back again Friday. I look forward to discussing this with you.

Marie Curtis
Project Manager
Corporate Services Division, serving
Ministry of Environment and
Ministry of Agriculture and Land
Phone: 250.387.6037 Fax: 250.387.1899
Email: Marie.Curtis@gov.bc.ca

CL 104459

only purchase beside ^{river} ~~road~~ is
constructed

Upper Wynton Lake exists
outlet diversion was
constructed partly.

ditch outlet not constructed

s.22

CL. 108875

CL 108646

- head gate Reservoir
- were not constructed

s.22

Tom

Wolfe, Gord LWBC:EX

From: Wolfe, Gord LWBC:EX
Sent: March 10, 2005 9:37 AM
To: Townsend, Larry LWBC:EX; Lewis, Susan LWBC:EX
Cc: Smythe, Ian LWBC:EX
Subject: Water Licence in A/A status (Apportionment Pending)

File 6000698 has two licences - C108875 & C104459. this file is on my official list of licences requiring amendments.

A brief history of this licence - Rol Wellman owned the property and had grand plans to develop a golf course, RV campground, retirement village etc.^{s.22} Armagh Investment Ltd. was hired
^{s.22} Darlene undertook an extensive land title search and determine the all the appurtenant land to which this licence is tied is now owned by Patrick James Lenhard & John Thomas Sims from Hawaii. These same gentleman own the land to which conditional water licence C108646, file 6000847 is appurtenant. WLIS has these gentleman listed as the licensee's for C108646 but not for C108875 & C104459. It appears to me that licences C108875 & C104459 - file 6000698 does not require an amendment or an apportionment and therefore should have its processing status changed from A/A and licence status changed from P to C. Please let me know what you decide - thanks Gord

We will forward these gentlemen a letter, copies of the licences and information on water licences in BC. I will need to inspect this site but I do not believe Mr. Wellman installed all the works that are authorized in these licences. If the new owners are unprepared to undertake the installation of the all works authorized under these licences then perhaps they might want to abandon some or all of them.

*Gord Wolfe
Land and Water Technical Officer
Land and Water BC
3rd Floor, 3726 Alfred St.
Smithers, BC, V0J2N0
phone: 847-7691 fax: 847-7556
email: gord.wolfe@gems9.gov.bc.ca*

Things to Do

		Date	Complete
1			
2	Mr. Wellman had huge plans		
3			
4	for this site s.22		
5			
6	s.22		
7			
8	Only a very minor portion of the		
9			
10	works associated with these licences		
11			
12	has been constructed		
13			
14	a) Diversion ditch from Martin Brook		
15			
16	b) well casing/pump house beside Endako River		
17			
18	c) some other ditch excavations but not connected		
19	to any source		
20			
21	Barrest land owners		
22	Mr. Lenhard & Mr. Sims		
23	signed abandonment forms as they		
24			
25			

Things to Do

		Date	Complete
1			
2			
3	have no plans to use water		
4			
5	in the manner authorized in these		
6			
7	licenses. I thought maybe we		
8			
9	should just cancel them instead		
10			
11			
12			
13			
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15			
16			
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18			
19			
20			
21			
22			
23			
24			
25			

ford woffe



Notice of Abandonment of an Application for a Water Licence

Updated September 2005

File: 6000698

Date:

Regional Water Manager
Ministry of Environment
Water Stewardship Division


Dear Sir:

Re: Water Application on Endako River c.L. 104459

I am the owner of The Southeast 1/4 of District Lot 4141, The South west 1/4 of District Lot 4141, The Northwest 1/4 of District Lot 4138, All of Range 5, Coast District.

I notify you of my abandonment of the said water application insofar as it pertains to the above property.

Yours truly,


Signature

P. J. Lenhard
Name



John T. Sims

25720 East End Rd.
Burns Lake, BC, V0J1E3

Address

s.22

s.22

Phone Number (include Area Code)



Notice of Abandonment of an Application for a Water Licence

Updated September 2005

File: 6000698

Date:

Regional Water Manager
Ministry of Environment
Water Stewardship Division

Dear Sir:

Re: Water Application on Endako River & Marten Brook C.L 108872

I am the owner of The South 1/2 of District Lot 4141,
Range 5, Coast District.

I notify you of my abandonment of the said water application insofar as it pertains to the above property.

Yours truly,

P.J. Lenhard
Signature

Name

P.J. Lenhard

John T. Sims
John T. Sims

25720 East End Rd.

Burns Lake, BC, V0J1E3

Address

s.22

s.22

Phone Number (include Area Code)

MEMORANDUM

To: Regional Water Manager/
Water Allocation Section Head
Smithers Region

Date: Apr. 9, 2003
File: 166018/228

Re: C108875

Staff in this office have identified the above for review and probable amendment.

Source of information:

- Notification from _____
- ✓ • Land Title Search, prompted by returned account statement
- New B.C.G.S. Map _____

Apparent changes:

- ✓ • Original parcels now separately owned
- Land enlarged by _____
- Land area unchanged, but re-described by _____
- _____
- Original appurtenancy now subdivided into _____
- _____ parcels by _____
- _____

Relevant information enclosed:

- ✓ • Copy of information received from BC Assessment
- Copies of Certificates of Title
- ✓ • Copy of relevant portion of new map/plan
- _____
- _____

Licence status:

- WLS records note amendment outstanding
- ✓ • Revenue collection has been suspended until appropriate amendment actions are finalized
- Statement sent to client #s.21 before
- putting into "p." status

We await your action or recommendations for action by this office.

Krista Brygidy

~~Larry Walters~~
~~Water Licence Administration~~
~~Telephone: 387-1134~~

RECEIVED
Land & Water British Columbia Inc.
APR 11 2003
SMITHERS, B.C.

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Withheld pursuant to/removed as

s.3

Page 086 of 149

Withheld pursuant to/removed as

s.22

Fax Transmission

Attention:

Bruce McGonigal

Company: Water Management

Address: Smithers, B.C.

Fax: (250) 847-7591

Tel:

From: **Rol Wellman**

Total Pages Sent: two

Date: Friday, January 30, 1998

Time: 12:27 PM

BC ENVIRONMENT
JAN 30 1998

6-698

**Bear Toe Resort, Ltd.**

... a very private, wilderness Resort

www.bear toe.com

SugarLips RV Destination Resort

RR 1, Comp. 17, Burns Lake, B.C. V0J 1E0

Fax: (250) 692 - 4399

Phone/Messages: (250) 692 - 4339

E-Mail: owner@bear toe.com

re: Regional District Referral to Water Management

Message: Bruce .. Nancy & I made a formal application to and were passed at the 'First Reading' by the Regional District for rezoning the 88 ac. campground parcel to 'Commercial Tourism' and to rezone the adjoining 57 acres we own into four lots **s.22**

s.22

I explained in our application about our Aquaculture Licence, the four ponds we are constructing on site and the use of ground water from the west pond for our irrigation and domestic water source. I bought an excavator last fall and you were right, our ground table is more than sufficient to supply our water needs. I dug a portion of the first pond, the small pond and 50% of the east pond late in the fall. I intend to start again in about three weeks, hopefully finishing the excavation by May 1st.

I plan to set up pumps in the west pond, transferring the water to our office/maintenance building for processing. The domestic water will be filtered, pressurized, chlorinated and then possibly ozonated before entering the domestic water system. The irrigation water will be injected into an automated system for distribution. When **s.22** decide to build on their lots (north of SugarLips & the CNRR), they will use ground water for their domestic needs at the individual lot or from one common site, distributing the water to the four lots.

We built a seven foot high, ten strand/smooth wire, security fence around the perimeter of the campground. This fence denies public access from our property to the Endako River. I maintained a minimum of a 20 meter 'buffer' between the fence and the Endako for unobstructed wildlife use outside the fence and to protect the Endako from our tourist traffic. The actual fence is near the Endako in only one short area, again the 20 meters minimum distance from the river.

I hope the enclosed information will benefit you in your 'referral'. Please contact me if this is not sufficient.

Thanks for your consideration of this matter.

s.22*Rol Wellman*



May 23, 1997

File: 6000698

North American Cattle Co. Ltd.
RR 1, Comp. 17, Burns Lake BC V0J 1E0

Dear Mr. Wellman:

Re: Aquaculture Licence Application

I thank you for your May 9, 1997 fax letter in which you expand on your proposed water use in support of the aquaculture licence application.

The following is my perception of your exiting water licencing:

Conditional Water Licence 108875 authorizes the diversion and use of 1 cubic foot per second of water from the Endako River for fish conservation in Martin Lake. A pump system is intend to lift water from the Endako River and into Martin Lake to provide for aeration and spawning.

Conditional Water Licence 108875 also authorizes the diversion and use of 3.7 cubic feet per second of water from Martin Brook - water is to be gravity fed into Martin Lake for fish conservation purposes.

Conditional Water Licence 104459 authorizes the diversion and use of 70 acre feet of water from the Endako River for irrigation. The pump site is adjacent to the Endako River as depicted on the plan attached to Conditional Water Licence 104459. This conditional water licence does not provide for an irrigation pump site on Martin Lake or the first pond as you have suggested in the first paragraph on page two of your fax letter. The location of the pump site and pipeline should generally conform to the plan as attached to Conditional Water Licence 104459.

The aquaculture proposal includes three ponds with a pumping system to recirculate ground water through the ponds. Make up water is suggested from Martin Lake. If this is the case, the existing water licences do not authorize the diversion and use of make up water from Martin Lake for the industrial (e) fish culture proposal.

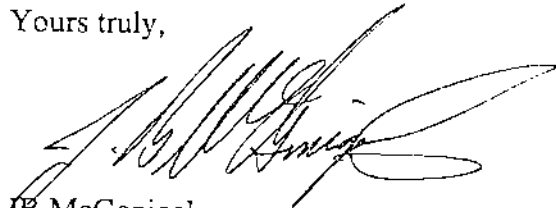
If your water use planning for the aquaculture proposal cannot be satisfied with only a ground water supply, you will be required to apply for a water licence for Martin Lake for the make up water used in the ponds. Your existing water licences do not reflect water use for this recent aquaculture proposal nor do the existing water licences reflect or authorize a diversion and use of water for an industrial (e) fish culture purpose.

I have suggested or encouraged you to use only ground water in the ponds as this will eliminate the further need of water licencing and thereby expedite your aquaculture licence application process. If you must go to a surface water body for make up water, then I recommend you file a water licence application with this office as quickly as possible. I have recommended the Ministry of Agriculture, Fisheries and Food hold your aquaculture licence application in abeyance until such time a water licence is issued to support the diversion and use of surface make up water for the aquacultural proposal.

I recommended (letter dated June 26, 1996) an amendment to Conditional Water Licence 108875 to transfer all the conservation water rights onto the South East Quarter of District Lot 4141, Range 5, Coast District and into the name of North American Cattle Co. Ltd. You returned (April 21, 1997) a signed application for Transfer of Appurtenancy to this office. However, you did not attach a \$100.00 cheque or money order made payable to the Minister of Finance and Corporate Relations required to cover the administration fees associated with the water licence amendment. Accordingly, I am returning the application form to you for your further attention in this regard. The administrative fee payment must accompany the application form.

I regret we cannot amend Conditional Water Licence 108875 or 104459 to accommodate your aquaculture water use plans.

Yours truly,



J.B. McGonigal
Water Section Head
Skeena Region

/jbm

attachment: application for transfer of appurtenancy

cc: Ministry of Agriculture, Fisheries & Food
2500 Cliffe Avenue
Courtenay BC V9N 5M6

APR 21 1997

ADMINISTRATION
SMITHERS, B.C.

WATER ACT
(Section 16)

File No. 6000698

Date

Application for Transfer of Appurtenancy

Conditional/~~Final~~ Licence No. 108875, ENDAKO RIVER / MARTIN BR.

(Stream)

I/We, BEAR TOE RESORT LTD

(Name of licensee)

hereby apply to the Comptroller of Water Rights for a transfer of all the conservation rights being 1.0 cfs from the Endako R. & 3.7 cfs from MARTIN BR.

(Quantity to be transferred)

of the rights authorized under the above-noted licence to NORTH AMERICAN CATTLE CO. LTD. of RR#1, BURNS LAKE, BC V0J 1E0

(Name and address of transferee)

and for the amendment of the said licence or the issue of a new licence to authorize the use of the water on the following land:

(1) SE 1/4 of District Lot 4141, Range 5, C.D.

(Legal description of transferee's land)

The transferee's title to the land described in (1) is Registered Owner

(Registered owner, agreement holder, lessee, etc.)

INSTEAD OF:

(2) North 1/2 of District Lot 4138, Range 5, CD

(Legal description of transferor's land)

My/Our title to the land described in (2) is Registered Owner

(Registered owner, agreement holder, lessee, etc.)

and the only charges (mortgages, etc.) against the same are held by:

N/A

(Name of holder of charge)

(Address)

* IMPORTANT - SEE OVER

(Signature of holder of charge)

The proposed transfer, if granted, will necessitate the construction of the following new works:

The proposed new works will cross or otherwise affect the following lands:

Legal Description	Length	Breadth	Kind of Works	Owner's Name
N/A				

x *Kal Wellman*

(Signature of licensee)

x RR#1 Comp 17, Burns Lake, B.C. V0J 1E0

(Address of licensee)

*** IMPORTANT**

- A. The transfer of a water right does not take effect until approved by the Comptroller of Water Rights. Therefore, if you wish to dispose of any, or all of the land to which the licence is appurtenant, you should notify the Comptroller of Water Rights, Water Management Branch, Parliament Buildings, Victoria, B.C., or the engineer for the Water Management Branch in your district.
- B. If there are any charges (mortgages, etc.) against the property described in (2) (transferor's land), this application cannot be accepted unless signed by the holder of any such charge.
- C. If any proposed new works cross private property, notice must be served on every property-owner affected. The matter of entry on to privately owned land for the construction and maintenance of works is one for arrangement between the parties concerned. If joint use and maintenance of works is involved, this is a matter for arrangement between the parties concerned.

If the proposed new works cross a public road, you must notify your local road foreman or the Department of Highways District Engineer.

If your proposed intake is located in a stream which supports fish life, adequate screening of the intake must be provided in accordance with any requirements of authorities having jurisdiction over fisheries in the area.

AMENDMENT PROCESSING FORM

AMENDMENT APPLICATION FOR:

File No

6-698

☐ Change of Works ☐ Apportionment

Licence No:

C108875

☒ Transfer of Appurtenancy

District:

11

☐ Other

Fees/Rentals

Amendment Application:

Fee Paid

yes ☒ no

Clearance

1: Other applications or lic

Totally Appurtenant:

Partly Appurtenant:

2. Affected applicants or licens

3. Conflicts of lands crossed by w

4. Improvement District, Municipalit

5. Subdivision plans required:

6. Data entry

Clearance completed by

date:

REFERRALS

Lands

F & W

Fisheries

Date:

Re-cleared by:

Date:

New Land Description(s):

Lynne!

I am returning Wellman's
T/A application to him
as he did not send/
attach \$100 for app. fees.

If you have the licence under
amendment status - you may
wish to remove same until
we have a binding amendment
application (including fees) before
is - Please forward to Lesher
for mailing & such TKS JD

May 23/97

s.22

797
235.31

AMENDMENT PROCESSING FORM

AMENDMENT APPLICATION FOR:

File No

6-698

☐ Change of Works ☐ Apportionment

Licence No:

C108875

☒ Transfer of Appurtenancy

District:

Hazleton

☐ Other

Precinct:

Burns Lake

Map No:

93K.014

Fees/Rentals

Amendment Application:

Fee Paid

yes ☐ no ☒

Rental Status:

rentals paid

rentals in arrears

Client s.22

1997
82235.31

Clearance

1. Other applications or licences appurtenant to this property:

Totally Appurtenant:

2

Partly Appurtenant:

C104459 11/12/24

2. Affected applicants or licensees on this source (or tributary)

3. Conflicts of lands crossed by works:

4. Improvement District, Municipality, Water Users Communities, etc.

none

5. Subdivision plans required:

Ordered:

6. Data entry

Clearance completed by

date:

REFERRALS

Lands

F & W

Fisheries

Date:

Re-cleared by:

Date:

New Land Description(s):

Fax Transmission

Attention: **Bruce McGonigal**

Company: Water Management

Address:

Fax: (250) 847 - 7591

Tel:

From: **Rol Wellman**

Total Pages Sent: nine

Date: Friday, May 9, 1997

Time: 2:20 PM

MINISTRY OF ENVIRONMENT

MAY 9 1997

ADMINISTRATION
SMITHERS, B.C.**Bear Toe Resort, Ltd.**

... a very private, wilderness Resort

SugarLips RV Destination Resort

RR 1, Comp. 17, Burns Lake, B.C. V0J 1E0

Fax/Phone: (250) 692-4399 Phone/Messages: (250) 692 - 4339

re: Irrigation

Message:

Friday, May 9, 1997

Bruce McGonigal
Water Management
Allocation Head
Ministry of Environment
Smithers, B.C.
Fax: (250) 847 - 7591

re: Irrigation

Dear Bruce,

In retrospect, I feel I should have contacted you initially to clarify our plans. I did get advice from Sig Hatlevik last February. Sig researched the licensing requirements for a fish pond and put me in touch with M.A.F.F. in Courtney. I prepared the information they required and forwarded it to Kathy Evans, who passed it onto Clare Backman the 24th of February.

Our final design calls for the transfer of water from Martin Lake, located north of the RR tracks, through a pipeline under the CNRR, to the west end of the meadow on the south side of the tracks. Our license for irrigation calls for 70 acre feet (325,900 U.S. gallons) per season, April 1st through Sept. 30th annually. Our Endako 5 hp. pump is capable of only 400 gpm. The transfer pump in Martin Lake will again be a SF 5 hp. submersible pump, 400 gpm.

Thanks to your efforts on our freshet storage and transfer of water from Nancy Creek and Upper Martin to Martin Lake, our conservation water license for 1 cfs out of the Endako will be rarely used, as the Endako pump is on 'demand' only, regulated by a 'float' and the overflow from Upper Martin should keep Martin Lake at capacity year round. With water flowing into Martin Lake from Upper Martin, any water that was pumped out of the Endako for the seventy acre foot irrigation license or for the 1 cfs for conservation, would simply return to the Endako immediately.

In the information I forwarded M.A.F.F., I tried to explain the ponds we wish to construct. The first pond will be filled primarily with ground water, with an average depth of less than 15'. The second and third ponds will have an average depth of less than 5'. In order to keep this water fresh, we will transfer the water from the first pond to the second pond with another 400 pm 5 hp pump, through a gravel filter and a water course. Same procedure for the second pond to the third pond and the third pond back to the first pond. Since these ponds will be lined with bentonite and self-contained, with no overflow, our only need for water will be to initially fill and the normal evaporation.

This entire system calls for a total of five, five horsepower pumps: 1. Endako/Martin Lake; 2. Martin Lake/First Pond; 3. First Pond/Second Pond; 4. Second Pond/Third Pond and 5. Third Pond/First Pond. Numbers One and two will be regulated by floats. Numbers three, four and Five will be on timers.

I expect No.#1 to rarely operate, negating usage from the Endako. We feel No. #2 won't average four hours a day for 120 days each summer. In all likelihood, given our summer moisture, heavy dew and cloudy weather, I believe No.#2 will probably run at 50% or an average of 2 hours per day.

We will locate our actual irrigation pump on the first pond, at a depth of 10-12'. The logistics require that we pump the irrigation water from Martin Lake at the location nearest the RR tracks. CNRR has given us permission to bore a pipe under the tracks at this location. By using the ground water in the first pond, I feel we can drastically reduced the water usage allocated to us in our irrigation water license. I have enclosed a chart for your inspection:

Description	Dates	Amount	Total Gal.
<u>Water License:</u>			
Irrigation:	Apr 1st-Sept.30th	70 acre feet	22,813,000
<u>Maximum Anticipated Annual Usage:</u>			
1#5hp Transfer Pump @ 400 gpm/4 hrs/day	May 15-Sept 15th	35.35 ac. feet	-11,520,000
<u>Minimum Anticipated Annual Usage:</u>			
Same Pump - 50% of the 120 Days	" "	17.67 ac. feet	-5,760,000
<u>Water Savings:</u>	Max. Usage:	34.65 ac. feet	11,293,000
	Min. Usage:	52.33 ac. feet	17,053,000

It is impossible to differentiate 70 ac. foot of irrigation water, freshet water, 3.7cfs Martin Brook and 1 cfs conservation water when transferring water from Martin Lake to the actual irrigation pumping site. If you could segregate the ground water for only the fish ponds, we will still only need probably 50% of our irrigation water, due to excess ground water, to irrigate our seventy acres.

I feel our probable usage will be:

Conservation of Upper Martin & Martin Lake: Freshet & 3.7 cfs from Martin Brook, with little need for the 1 cfs from the Endako

Irrigation: Primarily ground water from ponds one, two and three, with a 50%-75% savings of the actual water allotted from the Endako.

These estimates are based on an average summer. A prolonged drought or something unforeseen might cause us to use 100% of our allotted water rights. It is my sincere hopes that when we finish the construction of our storage water and freshet ditch, we will have created a free flowing year round creek that will enhance the quality and increase the flow of the Endako River during the critical late summer-early fall months.

The business calls for a 2.72 surface acre fish pond that we can open to the public and 50 recreational vehicle sites. Water usage for these site, based on a maximum of 50 gpd/site, equals .5 to 2.0 acre feet per season, at 50% to 200% site capacity. This water will come from the ground water in fish pond No.#1.

s.22

I tried to call yesterday and this morning. Hopefully this letter will somewhat clarify our plans for you. I do intend to call a little later to get your opinion on this matter. If I need to amend our licenses, I'll do so at your recommendation. Again, I apologize for not contacting you on this matter at the start, but I guess I felt we had already established to right to irrigate the seventy acres and that the influx of ground water would certainly cover the fish, evaporation and domestic use. Sorry for the inconvenience.

Sincerely,

A handwritten signature in cursive script, appearing to be 'Rol'.

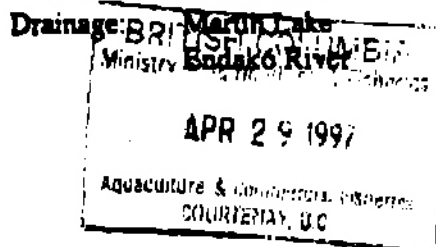


April 21, 1997

BCE File: 58000-25-02

Your File: 001520

Ref #: 97NOS0211



Ministry of Agriculture, Fisheries & Food
2500 Cliffe Avenue
Courtenay BC V9N 5M6

Attention: Administrator

Re: Aquaculture Licence Application on DL 4141, R5 CD - Rol and Nancy Wellman

BC Environment has reviewed this application and advise the following:

- 1) Rol Wellman has two water licences; one for irrigation; the other conservation:
 - the irrigation licence water source is the Endako River; 70 acre feet per annum may be diverted to irrigate the same lands that the fish ponds are to be located.
 - the conservation water licence source is the Endako River and Martin Brook. Water (1 cubic foot per second) is to be pumped from the Endako and circulated through Martin Lake for fish conservation. Water (3.7 cubic feet per second) is to be gravity fed from Martin Brook into Martin Lake for fish conservation. This licence is subject to amendment as there are two companies with interest in the lands appurtenant to the licence.

Mr. Wellman indicates the excavated ponds will require make up water from Martin Lake to off set evaporation (seepage?) losses estimated at approximately 0.5 cubic feet per second. The existing water licences do not accommodate the use of water for industrial (e) fish culture purpose (make up water).

Ministry of
Environment,
Lands and Parks

Environment and Lands
Skeena Region

Mailing/Location Address:
Box 5000
3728 Alfred Avenue
Smithers BC V6J 2N0

Telephone: (250) 847-7280
Facsimile: (250) 847-7591

Page 2

If the proponent chooses to use Martin Lake water, this application for an aquaculture licence should be held in abeyance until such time as the proponent is issued an industrial (e) fish culture water licence for make up water to be used from Martin Lake or any other surface water supply.

Once the proponent applies for water rights the water licence application is subject to a referral process and adjudication by allocation staff. If the Regional Water Manager decides to issue a water licence, then the aquaculture licence/permit then could be adjudicated by MAFF. If the Regional Water Manager refuses the application, then the proponent will probably have to amend his application with MAFF to reflect ground water for make up supply rather than Martin Lake; if only ground water is used, no water licences will be required.

The easiest way for Mr. Wellman to proceed is for him to simply rely on ground water, not use Martin Lake. He'll only have to deal with one government agency. There is lots of ground water in the area. He has the ability to develop a good production well for a make up water supply for this lake project.

Yours truly,



Bruce McGonigal
Water Management, Allocation Section Head
Skeena Region

Back 847-1270 1591 FAX

Section D: Fresh Water Grow Out

Description of Facilities

Our plans are to excavate three ponds in our meadow. The first pond will be used for public sport fishing and the second two ponds will be used only in the summer months for rearing fingerlings. The only fish we will ever purchase will be rainbow trout. We will not 'hatch' any fish. All of our rainbows will be purchased from a trout farm in the lower mainland and from Ova-Tech, Merritt, B.C.. Initially, I will purchase 1,000 12"-14' trout and another 1,000 fingerlings. We will also buy 20-30 fish in the 2-3 lbs. range. I will have the appropriate 'Transport Licences' from 'Fisheries'.

The bulk of our water will come from 'standing water' in each pond, the normal ground table. Since we plan to irrigate the land adjacent to the ponds with our Conditional Water Licences (See attached Water Licences), we will be transferring water from Martin Lake to our Lake No.#1, the fishing lake, primarily for irrigation. This transfer pump will be regulated by a 'Float Valve', which will keep the three excavated lakes at a constant level. Our present plans are to locate the actual irrigation pumping facility in the first lake. All transfer pumps will be single phase, 5-15 h.p..

The transfer pumps will be located at the opposite end from the inlets on each pond, to assure circulation. The first transfer pump will send 1,000 gpm from Lake #1 to Lake #2. The second pump will move 1,000 gpm from Lake #2 to Lake #3. The third transfer pump will return 1,000 gpm from Lake #3 back to Lake #1 through the same 10" buried pvc line that will transfer water from Martin Lake to Lake #1, as needed for irrigation and evaporation.

On each pump, we will induce oxygen through a 'venturi', then pump the water up to about 12-14' above the lake in a man made 'hill'. The water will be allowed to free fall, through a screen, 2-3' to create even more oxygen. It will then pass downward through 3'-4' of pea gravel, encased in concrete, then be allowed to cascade over rocks downward into the next pond.

Any nitrates that we might have gained from exposing the water to the air, will quickly be dissipated in the rocky false stream bed. The stream beds on each pond will also act as a false spawning area for the aged trout. Again, we do not intend to rear trout, only provide them with as natural a habitat as possible. Martin Lake, which is privately owned by my wife and I, has a bountiful supply of fresh water shrimp. We intend to transplant a few of these shrimp into the ponds, along with the appropriate plants for the benefit of the trout.

I am in hopes that the 41 degree F. ground temperature of the buried lines will help cool the water in the summer months. We intend to bury the lines eight foot deep. Shade trees, conducive to water quality, will be planted on the south and west banks of all of the ponds.

The ponds will be excavated with a 3:1 slope ratio. Once the ponds are formed, we plan to disk, then harrow into the soil, bentonite from Canadian Clay Products of Wilcox, Saskatchewan. This

type of bentonite, a natural substance, will expand 200:1 when exposed to water, permanently sealing a major portion of each pond and preventing water loss. Bentonite far exceeds a man made plastic 'liner', which is prone to damage from frost-heaves. The three foot freeboard and first nine foot under the low water marks will be packed with larger, smooth river rocks, for aesthetics and erosion.

Since the water will be filtered by the 'pea gravel' and each lake will be totally re-circulated every 5.35 days, I feel we will be able to provide excellent water quality for our fish. We have taken water samples from Martin Lake and will use the results to provide the best water conditions possible. Ova-Tech, Merritt, BC and TechnoPure Water Treatment Systems, Fraser Lake, BC will be our fisheries and water purification consultants.

Our water licences allows us to irrigate seventy acres of bluegrass / grass mixture from April 1st to September 30th each year from the Endako River. Our second water licence allows us a total of 4.7 cfs from Martin Brook and the Endako, for conservation. This licence is good for 365 days per year. Our actual water requirements for the three excavated lakes will be minimal, since we anticipate a high enough water ground table and then, with the precautions we are taking with the bentonite. Evaporation and irrigation will be our biggest needs. If evaporation, reduced by the available ground water table, was one percent per each twenty four hour period, we would only require 231,715 gpd, 875,882.7 litres per day or 160.92 gpm. Conditions would vary, dependent on weather and available ground water. Our conservation licence alone permits us to use 2,109.65 gpm, 365 day per year.

None of the water from the excavated ponds will be allowed to discharge into the Endako or any other natural drainage. Martin Lake is properly screened from to Endako with a bed of large river stones and 8 Holes per: 1" Stainless Steel Screen. This system was suggested, then approved after completion by Sig Hatlivik, Ministry of Environment - Fisheries, Smithers, B.C..

We do not plan to stock the lakes until late 1997 or early 1998. In addition, an aerator will be used in the centre of Lake #1. Fingerlings will be removed from the shallow lakes each fall to prevent winter kill and to restock Lake #1. s.22

s.22

Section D: Fresh Water Grow Out

Site Facilities

<u>Description</u>	<u>Surface Sq. Feet</u>	<u>Acres</u>	<u>Acre Feet</u>	<u>Average Depth</u>	<u>**Cubic Yards</u>
<u>Lake Number:</u>					
1. Fishing Lake (Public Daily Fishing - Winter aerator)	118,658	2.72	40.86	15'-30' max	65,921
2. Middle Lake (Rearing 3"-7" Trout - Summer)	152,855	3.51	17.55	5'-15' max	28,306
3. East Lake (Rearing 3"-7" Trout - Summer)	<u>110,539</u>	<u>2.54</u>	<u>12.69</u>	<u>5'-15' max</u>	<u>20,470</u>
	382,052	8.77	71.1		114,697

Reduced to 4000 yds

*Ave. of 5.35 days @ 1,000 gpm - Turnover and re-circulation time per Lake

Existing Lakes on Wellman Property:

4. Wellman Lake (Martin Lake)	871,200	20	200	10'-20' max	-
5. Bear Toe Lake (Upper Martin Lake)	<u>566,280</u>	<u>13</u>	<u>214.5</u>	<u>16.5'-33' max</u>	-
	1,819,532	41.77	485.6		

** Sandy-Loam Material to be excavated

Schedule of Production

Species	Maximum Purchase Number	Maximum Purchase Weight	Sales - Usage	Season
Rainbow Trout	1,000	1 lbs	Min. Sport Fishing	1997
Rainbow Trout	5,000	2-3 lbs	Sport Fishing	1998



Water File: -6000698

April 21, 1997

BCE File: 58000-25-02
Your File: 001520
Ref #: 97NOS0211
Drainage: Martin Lake
Endako River

Ministry of Agriculture, Fisheries & Food
2500 Cliffe Avenue
Courtenay BC V9N 5M6

Attention: Administrator

Re: Aquaculture Licence Application on DL 4141, R5 CD - Rol and Nancy Wellman

BC Environment has reviewed this application and advise the following:

- 1) Rol Wellman has two water licences; one for irrigation; the other conservation:
 - the irrigation licence water source is the Endako River; 70 acre feet per annum may be diverted to irrigate the same lands that the fish ponds are to be located.
 - the conservation water licence source is the Endako River and Martin Brook. Water (1 cubic foot per second) is to be pumped from the Endako and circulated through Martin Lake for fish conservation. Water (3.7 cubic feet per second) is to be gravity fed from Martin Brook into Martin Lake for fish conservation. This licence is subject to amendment as there are two companies with interest in the lands appurtenant to the licence.

Mr. Wellman indicates the excavated ponds will require make up water from Martin Lake to off set evaporation (seepage?) losses estimated at approximately 0.5 cubic feet per second. The existing water licences do not accommodate the use of water for industrial (e) fish culture purpose (make up water).

If the proponent chooses to use Martin Lake water, this application for an aquaculture licence should be held in abeyance until such time as the proponent is issued an industrial (e) fish culture water licence for make up water to be used from Martin Lake or any other surface water supply.

Once the proponent applies for water rights the water licence application is subject to a referral process and adjudication by allocation staff. If the Regional Water Manager decides to issue a water licence, then the aquaculture licence/permit then could be adjudicated by MAFF. If the Regional Water Manager refuses the application, then the proponent will probably have to amend his application with MAFF to reflect ground water for make up supply rather than Martin Lake; if only ground water is used, no water licences will be required.

The easiest way for Mr. Wellman to proceed is for him to simply rely on ground water, not use Martin Lake. He'll only have to deal with one government agency. There is lots of ground water in the area. He has the ability to develop a good production well for a make up water supply for this lake project.

Yours truly,



Bruce McGonigal
Water Management, Allocation Section Head
Skeena Region



DEC 30 1994

File No: 6-698

NORTH AMERICAN CATTLE CO LTD
RR 1
BURNS LAKE BC V0J 1E0

Dear Sir:

Enclosed please find two certified copies of Water Licences. A permit over Crown Land is also enclosed.

Note that your licence for irrigation purpose from Endako River authorizes you to divert and use 70 acre feet per annum within the South 1/2 of District Lot 4141, Range 5, Coast District of which 70 acres may be irrigated and your licence for conservation purpose from Martin Brook authorizes you to divert 3.7 cubic feet per second and from Endako River you are authorized to divert 1.0 cubic feet per second.

Also, please be advised of the following:

1. Water licences do not authorize entry on privately owned land for the construction of works. Permission of the affected landowner must be obtained or an easement expropriated. For your protection, permission should be in writing and registered with the appropriate Land Title Office.
2. Permission for crossing roads or lands under the jurisdiction of any Government agency must be obtained from the agency concerned.
3. In order for you to keep your water licence in good standing, the following must be observed:
 - a) continued beneficial use of water, as authorized under your licence;
 - b) payment of annual rentals;
 - c) compliance with the terms of your licence;
 - d) compliance with the terms of the Water Act.

Please notify the Regional Water Manager at the address above if:

- a) there is any change in your mailing address.
- b) you sell the land to which the licence is appurtenant;
- c) you propose to subdivide the land to which the licence is appurtenant;
- d) you propose to alter the works authorized under the licence.

If a further statement of fees is required, you will be advised by the Comptroller of Water Rights. Also, any error in the licence or permit should be brought to the attention to this office as soon as possible.

Your right of appeal is set out in Section 38 of the Water Act of British Columbia.

If you have any questions regarding this licence or queries concerning water management concerns generally, please contact this office.

Yours truly,



W.H. Dreher, P. Eng.
Regional Water Manager

Enclosure

Phone: 847-7280

c.c. Comptroller of Water Rights - Victoria

MCGONIGAL, Bruce J.

To: LEE, Faith A.
Subject: Referral 97noso211

Water Management comments are as follows:

- Rol has 2 water licences; one for irrigation, the other conservation
- the irrigation licence water source is the Endako River; 70 acre feet per annum may be diverted to irrigate the same lands that the fish ponds are to be located.
- the conservation water licence source is the Endako River and Martin Brook. Water (1 cubic foot per second) is to be pumped from the Endako and circulated through Martin Lake for fish conservation. Water (3.7 cubic feet per second) is to gravity fed from Martin Brook into Martin Lake for fish conservation. This licence is subject to amendment as there are two companies with interest in the lands appurtenant to the licence.
- Rol indicates the excavated ponds will require make up water from Martin Lake to off set evaporation (seepage?) losses estimated at approximately 0.5 cubic feet per second.
- the existing water licences do not accommodate the use of water for industrial (e) fish culture purpose (make up water).
- application for aquaculture licence should be held in abeyance until such time Rol is issued an industrial (e) fish culture water licence if make up water is to be used from Martin Lake or any other surface water supply.
- if only ground water is used, no water licences will be required.

McG

MINISTRY OF AGRICULTURE, FISHERIES AND FOOD

FACSIMILE TRANSMITTAL NOTICE

Date: Apr. 7 /1997

TO: Name: _____ Mr. Sig Hatlevic MELP Smithers _____

Fax Number: (250) 847-7728 _____ Telephone: (250) 847-7263 _____

**FROM: Clare Backman, Finfish Specialist
Aquaculture and Commercial Fisheries Branch, Courtenay**

Fax Number: 250-334-1410 Telephone: 250 897-7543

NUMBER OF PAGES TO FOLLOW: 14 _____

REMARKS: Application for Wellman as discussed by telephone. Please

forward to water management for their comments. Waste mgmnt permit

is likely not needed but registration under Lands Based Finfish

Aquaculture regulation is required. Please complete and return

MAFF referral sheet to my attention. Thanks!

**MINISTRY OF ENVIRONMENT
LANDS AND PARKS**

APR 7 - 1997

**FISH & WILDLIFE
SMITHERS, B.C.**



Province of
British Columbia

Ministry of
Agriculture,
Fisheries and Food

2500 Cliffe Avenue
Courtenay
British Columbia
V9N 5M8

REFERRAL FOR AQUACULTURE LICENCE

Referral Date: 1997/04/07

Referral Agency:

Environment, Lands and Parks (10)
Skeena Region
Referrals Clerk
Bag 5000 - 3276 Alfred
Smithers, BC
VOJ 2N0

Applicant:

Rob and Nancy Wellman

You are requested to comment on the following referral for potential effect on your agency's interest, within 30 days.

If no response is received within that time, it will be assumed that your agency's interests are unaffected.

MAFF Reference No.: 001520
MELP Land File No.: 0000000

**** Initial Application**

s.22

Telephone: 692-4339

Location: Yellowhead Highway, Burns Lake

Parcel Size: 108.000

Legal Description: Lot 4141

Type of Operation: Finfish
Reason: New application
Rainbow trout

RESPONSE

<input type="checkbox"/> Approval Recommended	<input type="checkbox"/> Interests Unaffected by Proposal
<input type="checkbox"/> Approval Recommended Subject to Attached Conditions	<input type="checkbox"/> Approval Not Recommended Due to Attached Reasons

Authorized
Signatory _____

Phone _____

Name _____
(Please Print)

Date _____

Plan No. 51

PRIVATE LAND AQUACULTURE DEVELOPMENT PLAN

Name of Applicant: ROL and Nancy Wellman 1180Address: ^{s.22} _____Postal Code: ^{s.22} _____Telephone: 692-4339 (office) 692-4399 (FAX)692-4339 (home)Company Contact Person: ROL Wellman Phone: 692-4339

Office Use Only

MAF Ref. No.

1520

Hatchery is: On water _____
On land _____
Grow out is: On water _____
On land _____Ministry of Agriculture
and Fisheries

May, 1990

. 1 .

If you require assistance in completing this plan contact the Aquaculture and Commercial Fisheries Branch of the Ministry of Agriculture and Fisheries.

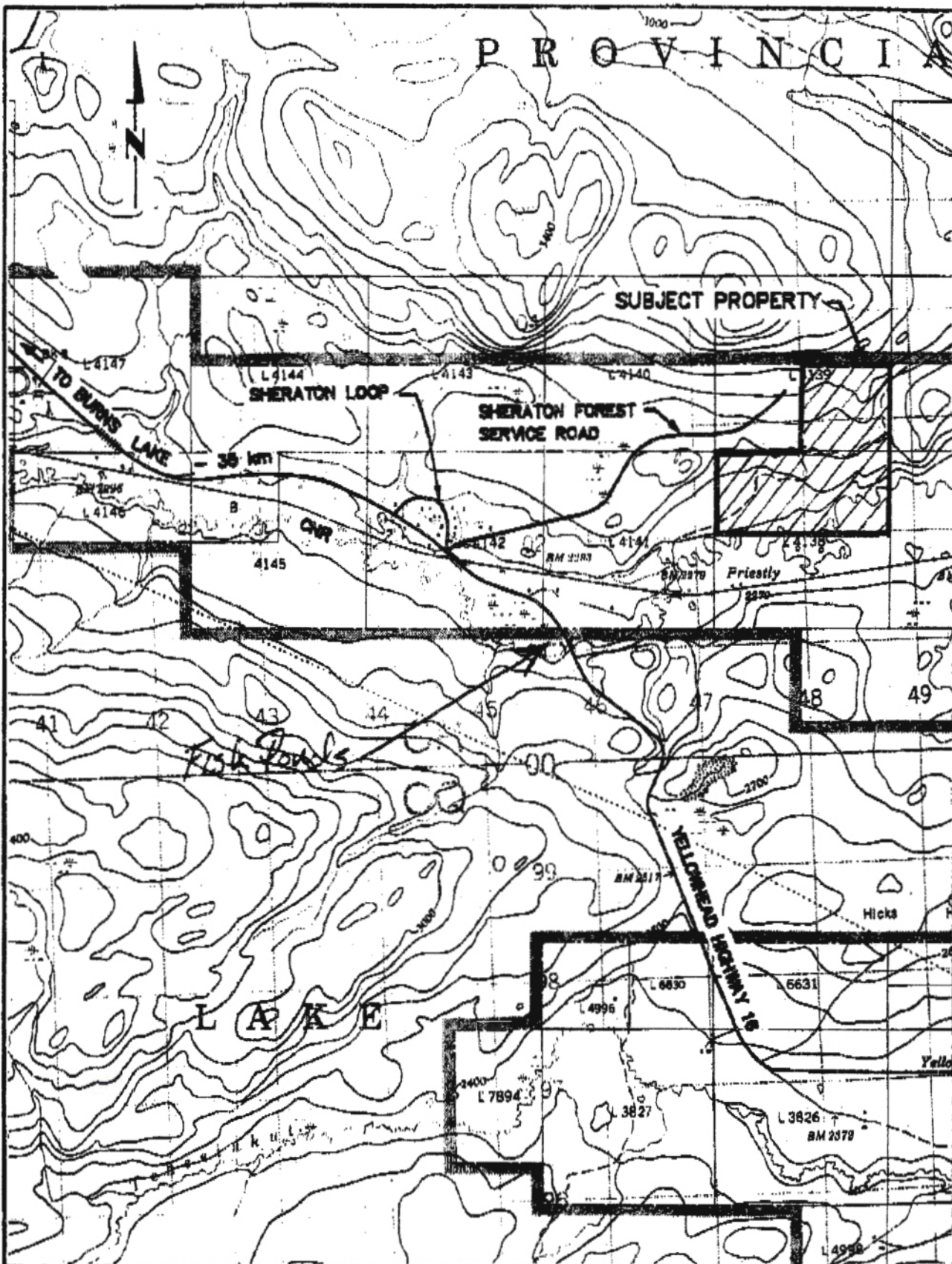
Do you anticipate that your production from this site will equal or exceed \$7,500 worth of product? Yes: ☒ No: ☐ If yes, in what year do you expect this to occur? 1998. (This information is needed to determine your licence fee and eligibility for a Bona Fide Aquaculturist Certificate which provides you with certain tax benefits.)

SECTION A: DESCRIPTION OF SITE

1. NTS Map No. Note: If you do not know the NTS Map Number, you may submit a map which accurately locates your farm in relation to some identifiable land forms such as lakes, rivers, mountains, etc.
see attached maps
Geographical Coordinates: N. Latitude: 54° 09' " GPS approx
W. Longitude: 125° 20.2 " 5500' NZ of new ponds
2. Legal Description of Site (Land District & Lot Number) and name of owner.
see attached legal description
3. Geographical Description:
see attached photo of property. Property is located on the Yellowhead Highway, at the bottom of Priestly Hill or 1 Km east of the CN's Sheraton Overhead.
4. Is the site zoned? Yes ☒ No ☐ If yes, is aquaculture a permitted use? Yes ☐ No ☐ If no, describe existing plan and zoning designations, if any: see attached zoning from the Regional District
5. Water flowing from the site enters a salmonid-bearing water course:
Yes ☐ No ☒ Unknown ☐
(Information sources: Regional Conservation or Fisheries Officers)
6. Provide the following scale diagrams for the proposed Fish Farm:

LOCATION MAP: Map showing the area under application (eg. use Municipal or District Maps). see attached maps

OPERATIONAL LAYOUT DIAGRAM: A plan view sketch of the proposed site and facilities drawn to approximate scale (include all dimensions - see example in Guide). This diagram must include the site boundaries and all planned structures at full production (to the best of your knowledge at this time). All water sources, intake and outlet locations, and all proposed buildings and outdoor facilities associated with the fish farm operation must be clearly identified and illustrated.



1200 PAPER, 100% RECYCLED
 100% RECYCLED PAPER
 100% RECYCLED PAPER
 100% RECYCLED PAPER

JOB No: 1076-01-01
 DATE: MAR.95
 DRAWN BY: RP

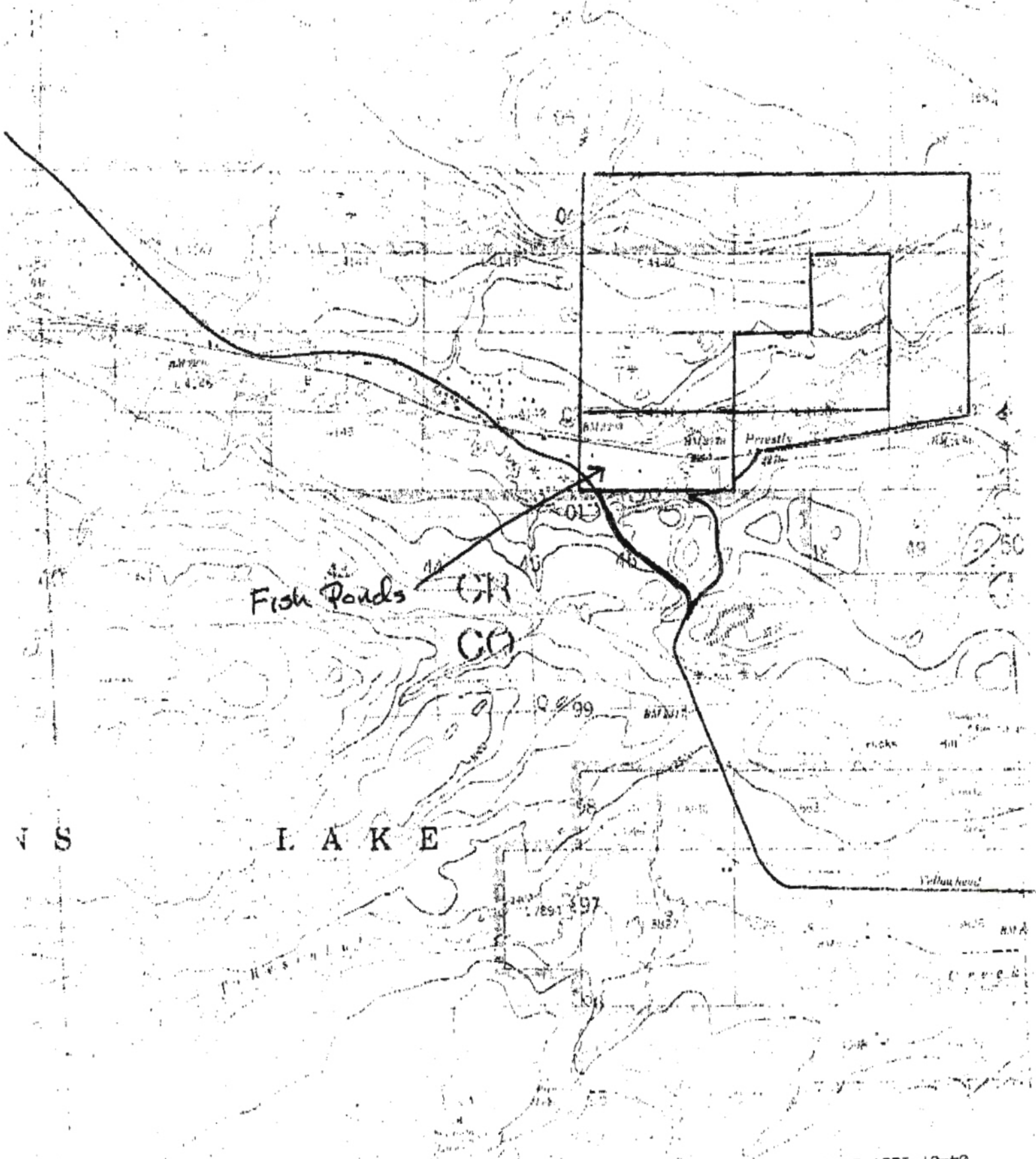
BEARTOE RESORT LTD.

LOCATION PLAN

DWG No

A

PROVINCIAL



- 4 -

SECTION D: FRESHWATER GROW OUT - SCALE OF OPERATION**SITE FACILITIES**

List the overall dimensions of all existing and planned aquaculture related structures.

Description of Facilities	Number	Dimensions
see attached Section D "Description of Facilities" "Site Facilities" attached scaled map		

EXAMPLES		
Pond (earthen)	1	30m x 15m x 3 m long wide deep
Tanks (concrete)	12	30m dia. x 3 m

SCHEDULE OF PRODUCTION

The maximum annual aquaculture production on site, by species, will be as follows:

(Note: It is understood that these numbers are approximate and based on your best estimate at this time.)

Species	Maximum Number	Maximum Weight
see attached Section D "Schedule of Production"		

EXAMPLE		
Rainbow trout	20,000 fingerlings	25 g each
Rainbow trout	100,000	2 kg each

Section D: Fresh Water Grow Out

Description of Facilities

Our plans are to excavate three ponds in our meadow. The first pond will be used for public sport fishing and the second two ponds will be used only in the summer months for rearing fingerlings. The only fish we will ever purchase will be rainbow trout. We will not 'hatch' any fish. All of our rainbows will be purchased from a trout farm in the lower mainland and from Ova-Tech, Merritt, B.C.. Initially, I will purchase 1,000 12"-14" trout and another 1,000 fingerlings. We will also buy 20-30 fish in the 2-3 lbs. range. I will have the appropriate 'Transport Licences' from 'Fisheries'.

The bulk of our water will come from 'standing water' in each pond, the normal ground table. Since we plan to irrigate the land adjacent to the ponds with our Conditional Water Licences (See attached Water Licences), we will be transferring water from Martin Lake to our Lake No. #1, the fishing lake, primarily for irrigation. This transfer pump will be regulated by a 'Float Valve', which will keep the three excavated lakes at a constant level. Our present plans are to locate the actual irrigation pumping facility in the first lake. All transfer pumps will be single phase, 5-15 h.p..

The transfer pumps will be located at the opposite end from the inlets on each pond, to assure circulation. The first transfer pump will send 1,000 gpm from Lake #1 to Lake #2. The second pump will move 1,000 gpm from Lake #2 to Lake #3. The third transfer pump will return 1,000 gpm from Lake #3 back to Lake #1 through the same 10" buried pvc line that will transfer water from Martin Lake to Lake #1, as needed for irrigation and evaporation.

On each pump, we will induce oxygen through a 'venturi', then pump the water up to about 12-14' above the lake in a man made 'hill'. The water will be allowed to free fall, through a screen, 2-3' to create even more oxygen. It will then pass downward through 3'-4' of pea gravel, encased in concrete, then be allowed to cascade over rocks downward into the next pond.

Any nitrates that we might have gained from exposing the water to the air, will quickly be dissipated in the rocky false stream bed. The stream beds on each pond will also act as a false spawning area for the aged trout. Again, we do not intend to rear trout, only provide them with as natural a habitat as possible. Martin Lake, which is privately owned by my wife and I, has a bountiful supply of fresh water shrimp. We intend to transplant a few of these shrimp into the ponds, along with the appropriate plants for the benefit of the trout.

I am in hopes that the 41 degree F. ground temperature of the buried lines will help cool the water in the summer months. We intend to bury the lines eight foot deep. Shade trees, conducive to water quality, will be planted on the south and west banks of all of the ponds.

The ponds will be excavated with a 3:1 slope ratio. Once the ponds are formed, we plan to disk, then harrow into the soil, bentonite from Canadian Clay Products of Wilcox, Saskatchewan. This type of bentonite, a natural substance, will expand 200:1 when exposed to water, permanently sealing a major portion of each pond and preventing water loss. Bentonite far exceeds a man made plastic 'liner', which is prone to damage from frost-heaves. The three foot freeboard and first

nine foot under the low water marks will be packed with larger, smooth river rocks, for aesthetics and erosion.

Since the water will be filtered by the 'pea gravel' and each lake will be totally re-circulated every 5.35 days, I feel we will be able to provide excellent water quality for our fish. We have taken water samples from Martin Lake and will use the results to provide the best water conditions possible. Ova-Tech, Merritt, BC and TechnoPure Water Treatment Systems, Fraser Lake, BC will be our fisheries and water purification consultants.

Our water licences allows us to irrigate seventy acres of bluegrass / grass mixture from April 1st to September 30th each year from the Endako River. Our second water licence allows us a total of 4.7 cfs from Martin Brook and the Endako, for conservation. This licence is good for 365 days per year. Our actual water requirements for the three excavated lakes will be minimal, since we anticipate a high enough water ground table and then, with the precautions we are taking with the bentonite. Evaporation and irrigation will be our biggest needs. If evaporation, reduced by the available ground water table, was one percent per each twenty four hour period, we would only require 231,715 gpd, 875,882.7 litres per day or 160.92 gpm. Conditions would vary, dependent on weather and available ground water. Our conservation licence alone permits us to use 2,109.65 gpm, 365 day per year.

None of the water from the excavated ponds will be allowed to discharge into the Endako or any other natural drainage. Martin Lake is properly screened from to Endako with a bed of large river stones and 8 Holes per: 1" Stainless Steel Screen. This system was suggested, then approved after completion by Sig Hatlivik, Ministry of Environment - Fisheries, Smithers, B.C..

We do not plan to stock the lakes until late 1997 or early 1998. In addition, an aerator will be used in the centre of Lake #1. Fingerlings will be removed from the shallow lakes each fall to prevent winter kill and to restock Lake #1. s.22

s.22

Section D: Fresh Water Grow Out

Site Facilities

<u>Description</u>	<u>Surface Sq. Feet</u>	<u>Acres</u>	<u>Acre Feet</u>	<u>Average Depth</u>	<u>**Cubic Yards</u>
<u>Lake Number:</u>					
1. Fishing Lake (Public Daily Fishing-Winter season)	118,658	2.72	40.86	15'-30' max	65,921
2. Middle Lake (Rearing 3"-7" Trout-Summer)	152,855	3.51	17.55	5'-15' max	28,306
3. East Lake (Rearing 3"-7" Trout-Summer)	110,539	2.54	12.69	5'-15' max	20,470
	382,052	8.77	71.1		114,697

*Ave. of 5.35 days @ 1,000 gpm - Turnover and re-circulation time per Lake

Existing Lakes on Wellman Property:

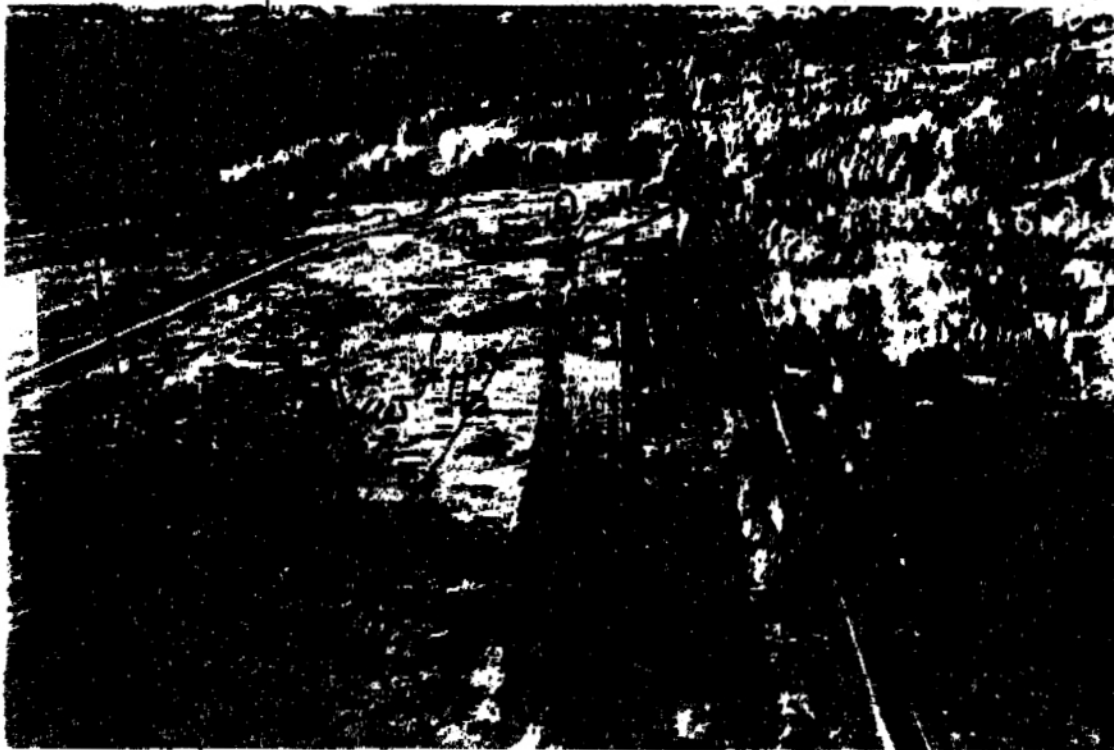
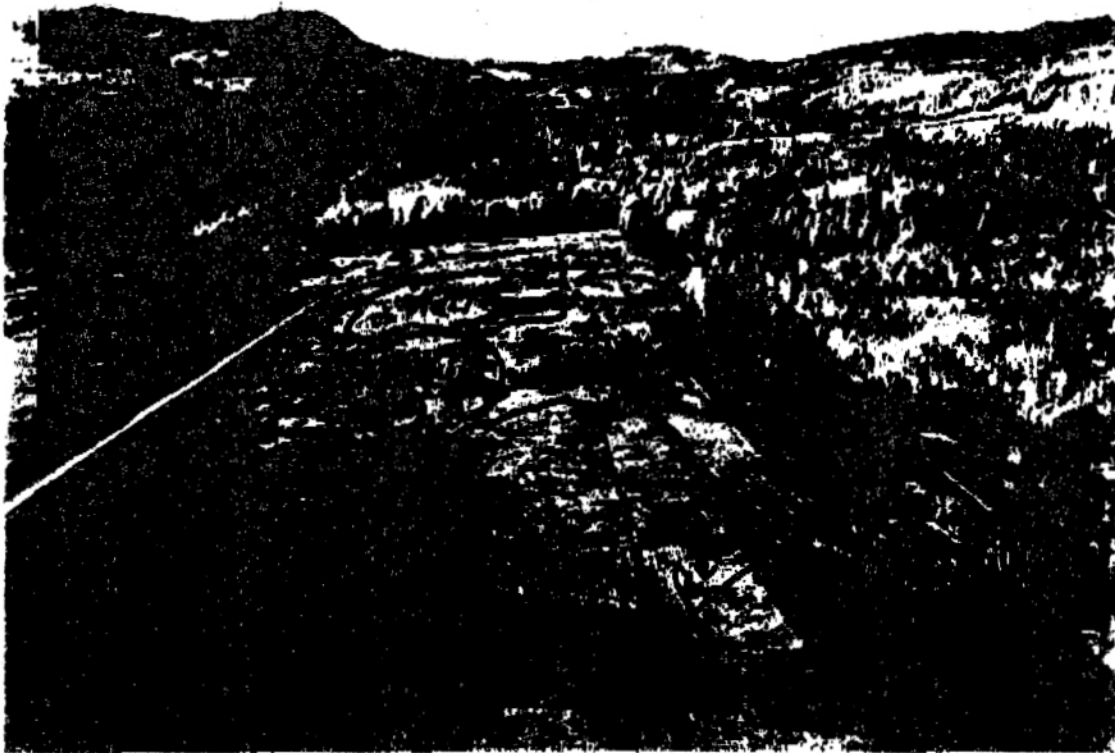
4. Wellman Lake (Martin Lake)	871,200	20	200	10'-20' max	-
5. Bear Toe Lake (Upper Martin Lake)	566,280	13	214.5	16.5'-33' max	-
	1,819,532	41.77	485.6		

** Sandy-Loam Material to be excavated

Schedule of Production

<u>Species</u>	<u>Maximum Purchase Number</u>	<u>Maximum Purchase Weight</u>	<u>Sales - Usage</u>	<u>Season</u>
Rainbow Trout	1,000	1 lbs	Min. Sport Fishing	1997
Rainbow Trout	5,000	2-3 lbs	Sport Fishing	1998
Rainbow Trout	2,000	Fingerlings 25-50g	Grow for Sport Fishing	1998

PHOTOGRAPHS



THE PROVINCE OF BRITISH COLUMBIA - WATER ACT
CONDITIONAL WATER LICENCE

The owner of the land to which this licence is appurtenant is hereby authorized to divert and use water as follows:

- (a) The stream on which the rights are granted is Endako River.
- (b) The point of diversion is located as shown on the attached plan.
- (c) The date from which this licence shall have precedence is 26th February, 1992.
- (d) The purpose for which this licence is issued is irrigation.
- (e) The maximum quantity of water which may be diverted is 70 acre feet per annum.
- (f) The period of the year during which the water may be used is 1st April to 30th September.
- (g) The land upon which the water is to be used and to which this licence is appurtenant is the South 1/2 of District Lot 4141, Range 5, Coast District of which 70 acres may be irrigated.
- (h) The works authorized are infiltration gallery, pump, pipe and irrigation system, which shall be located approximately as shown on the attached plan.
- (i) The construction of the said works shall be completed and the water beneficially used prior to the 31st day of December, 1997. Thereafter, the licensee shall continue to make a regular beneficial use of water in the manner authorized herein.



W. H. Dreher, P. Eng.
Regional Water Manager
Skeena Region

File No: 6000698 Date Issued: DEC 30 1994 Conditional Licence 104459

MINISTRY
OF ENVIRONMENT,
LANDS AND PARKS

WATER MANAGEMENT
BRANCH

PROVINCE OF BRITISH COLUMBIA - WATER ACT

CONDITIONAL WATER LICENCE

The owner of the land to which this licence is appurtenant is hereby authorized to divert and use water as follows:

- (a) The stream on which the rights are granted are Endako River and Martin Brook.
- (b) The points of diversion on Endako River and Martin Brook and the points of rediversion on Upper Martin Lake and Wellman Pond are located as shown on the attached plan.
- (c) The date from which this licence shall have precedence is 26th February, 1992.
- (d) The purpose for which this licence is issued is conservation.
- (e) The maximum quantity of water which may be diverted from Endako River is 1.0 cubic feet per second and the maximum quantity of water which may be diverted from Martin Brook is 3.7 cubic feet per second.
- (f) The period of the year during which the water may be used is the whole year.
- (g) This licence is appurtenant to the project of the licensee within the fractional Southeast 1/4 of District Lot 4141; the Southwest 1/4 of District Lot 4142; the Northwest 1/4 of District Lot 4138, all of Range 5, Coast District, except the Grand Trunk Pacific Railway Right-of-Way and any portion of the right of the Dominion Telegraph Line which may lie within the boundaries of the said lands.
- (h) The works authorized are infiltration gallery, pump, diversion ditches, pipe, headgate, trash rack and log boom, which shall be located approximately as shown on the attached plan.
- (i) The construction of the said works shall be completed and the water beneficially used prior to the 31st day of December, 1992. Thereafter, the licensee shall continue to make a regular beneficial use of water in the manner authorized herein.



W.H. Dreher, P. Eng.
Regional Water Manager
Skeena Region

File No: 6000698

Date Issued DEC 30 1994

Conditional Licence 10867

Bruce ...

Thought you might want these for your files. 1996 operation was excellent. Beaver proof! Flow from 8" pipe and from Martin Lake, through Sig's rock overflow into the Endako, ceased about a week ago. Discharge of stored freshet from new reservoirs in the future should keep flow for most of the year. Water entering Endako was crystal clear and cold.

Neil Todd finished 'Shocking' Nancy Creek last Saturday. Results same as his freshet and last fall shockings and Jason's (DFO). No fish ... trout, salmon or even Dace. Neil is doing two DFO projects ... one in Prince George for one of the Native Band's and one on Babine Lake. He hoped to get his final report on our project done for both you and Dana done as soon as possible.

Thanks for the Water Licences and 'Nancy' Creek

Al







Province of
British Columbia

MINISTRY OF
ENVIRONMENT,
LANDS AND PARKS

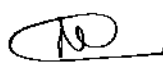
BC
Environment

Skeena Region
Box 6000
Smithers, British Columbia
V0J 2N0
Telephone: (604) 847-7278
FAX: (604) 847-7728

FAX HEADER

Date: SEPT 5/96
TO: ROL WELLMAN
COMPANY NAME: NORTH AMERICAN CATTLE CO / BEAR TOE RESORT
Fax No: 692-4399 Phone No: 692 4399
FROM: BRUCE MCGONIGAL, HEAD, ALLOCATION, WATER MANAGEMENT
Phone: 847-7276 FAX: 847-7728
Skeena Region

TOTAL PAGES: 4 (Including cover page)

ADDITIONAL COMMENTS: Rol! There is no rush on this -
house keeping mostly.
I have taken the liberty to complete the
application for transfer of appurtenance - a suggestion
only. If you disagree or wish to discuss this
matter further - please call me.
Thanks Rol. 

URGENT: Yes/No

ORIG. IN MAIL: Yes/No

If you do not receive all pages, please contact 847-7278 as soon as possible.



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BC
Environment

Skeena Region
Box 5000
Smithers, British Columbia
V0J 2N0
Telephone: (604) 847-7260
FAX: (604) 847-7591/7728/7709

June 26, 1996

File #6000698

North American Cattle Co Ltd
RR 1
Burns Lake, BC V0J 1E0

Dear Sir:

Re: Conditional Water Licence 108875/Endako River and Martin Brook

The above captioned water licence is appurtenant to the project of the licensee within the fractional Southeast Quarter of District Lot 4141, the Southwest Quarter of District Lot 4141; the Northwest Quarter of District Lot 4138, all of Range 5, Coast District.

A recent search of the land titles for the above land units indicates there are two companies holding separate titles to the lands as follows:

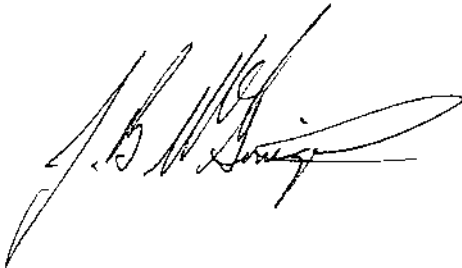
- Bear Toe Resort Ltd is the registered owner of the North Half of District Lot 4138 according to Certificate of Title TJ2601
- North American Cattle Co Ltd is the registered owner of the South Half of District Lot 4141 according to Certificates of Title TE23632 and TJ10515

Accordingly, as there are two separate property owners of the dominant land as described under Conditional Water Licence 108875, the water licence now requires amendment to reflect the change in ownership of the lands in question.

It is my recommendation that the simplest solution for amending Conditional Water Licence 108875 is for the transfer of all the conservation rights granted under this licence to the Southeast Quarter of District Lot 4141, Range 5, Coast District. The intent of water use for the conservation undertaking was to raise fish in Martin Lake. As most of Martin Lake is covered by the Southeast Quarter of District Lot 4141, it is reasonable the rights could be made appurtenant to this land unit.

In this regard, I have attached a partially completed transfer of appurtenancy application form which should be signed and returned to this office along with a \$100 cheque or money order made payable to the Minister of Finance, should you agree with my suggestion. If you wish to discuss this matter further with me, please call me at 847-7276 at your convenience. I will be please to provide you further details should you wish.

Yours truly,

A handwritten signature in black ink, appearing to read 'JB McGonigal', with a large, sweeping flourish at the end.

JB McGonigal
Section Head/Allocation
Skeena Region

WATER ACT
(Section 16)

File No. 6000698

Date _____

Application for Transfer of Appurtenancy

Conditional/~~Final~~ Licence No. 108875, ENDAKO RIVER/ MARTIN BR.
(Stream)

I/We, BEAR TOE RESORT LTD
(Name of licensee)

hereby apply to the Comptroller of Water Rights for a transfer of all the conservation
rights being 1.0 cfs from the Endako R. & 3.7 cfs from MARTIN BR.
(Quantity to be transferred)

of the rights authorized under the above-noted licence to NORTH AMERICAN CATTLE CO. LTD.
of RR#1, Burns Lake, BC V0J 1E0
(Name and address of transferee)

and for the amendment of the said licence or the issue of a new licence to authorize the use of the water on the following land:

(1) SE 1/4 of District Lot 4141, Range 5, C.D.

(Legal description of transferee's land)

The transferee's title to the land described in (1) is Registered Owner

(Registered owner, agreement holder, lessee, etc.)

INSTEAD OF:

(2) North 1/2 of District Lot 4138, Range 5, CD

(Legal description of transferor's land)

My/Our title to the land described in (2) is Registered Owner

(Registered owner, agreement holder, lessee, etc.)

and the only charges (mortgages, etc.) against the same are held by:

N/A

(Name of holder of charge)

(Address)

*** IMPORTANT—SEE OVER**

(Signature of holder of charge)

The proposed transfer, if granted, will necessitate the construction of the following new works:

The proposed new works will cross or otherwise affect the following lands:

Legal Description	Length	Breadth	Kind of Works	Owner's Name
<u>N/A</u>				

X

(Signature of licensee)

X

(Address of licensee)

Page 129 of 149 to/à Page 130 of 149

Withheld pursuant to/removed as

s.3



Province of
British Columbia

MINISTRY OF
ENVIRONMENT,
LANDS AND PARKS

BC
Environment

Skeena Region
Box 5000
Smithers, British Columbia
V0J 2N0
Telephone: (604) 847-7260
FAX: (604) 847-7591/7728/7709

February 16, 1996

File: 48510-30

~~Water File 6-6983~~

Water File 6-847

Your File: Bylaw 859 & 860

Referral: 95NOS0287

Referral Index: 8716

Drainage: Endako River

Regional District of
Bulkley - Nechako
PO Box 820
Burns Lake BC V0J 1E0

Attention: Christine McKinley

Dear Ms:

Re: Amendment of Community Plan Bylaw 637 from Rural Resource to
Semi-Urban Residential (R) and Commercial (C); and Amendment of
Zoning Bylaw 700 from Large Holdings (H2) to Residential (R1),
Commercial (C1), Institutional (P1) and Recreational (P2);
SE 1/4 of DL 4139, and N. 1/2 of DL 4138, Range 5, Coast District

BC Environment has reviewed this proposal and the concerns addressed in our correspondence of July 17 with the proponent, the consulting engineer, and the Department of Fisheries and Oceans.

- 1) Habitat Protection Branch advises:
 - Non-disturbed buffers will be left adjacent to all waterbodies to help maintain water quality and provide wildlife habitat.
 - Natural forest stands shall be retained to provide habitat for wildlife.
 - All the constraints and guidelines recommended by the Department of Fisheries and Oceans will be adhered to.
- 2) Water Management Branch, Allocation Section, advises that after consultation with the Department of Fisheries and Oceans and I. & M Engineering Ltd., consultant for the proponent, it is agreed the Endako River would not be available as a year round water supply for Bear Toe Resort, notwithstanding the existing water rights granted to Rol Wellman,

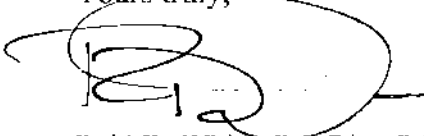
FAXED

and the conservation purpose rights will remain as prescribed in the license and not be amended as requested to accommodate the Bear Toe development.

The consultant was advised the unnamed tributary to Shovel Creek would be considered as the water supply for the development with the understanding the period of diversion from the tributary would be commensurate with the freshet period and thereafter any water used in the development would have to come from storage.

- 3) The provision of a community sewage system for this development is acceptable to Environmental Protection Program. The engineer has been advised that a permit will be required under the Waste Management Act.
- 4) Garbage will be collected regularly and removed to a permitted dump site to prevent wildlife problems. The following measures are effective in reducing bear problems in rural developments:
 - ban outside garbage storage except in bear proof containers;
 - ban backyard burners, as the residue attracts bears;
 - provision of a community bear proof garbage transfer bin;
 - regular removal of garbage to permitted disposal site.

Yours truly,



Reid D. White, R.P.Bio., P.Eng.
BC Environment Referral Committee

RDW/fl

cc - Jason Hwang, Department of Fisheries and Oceans, Prince George



Province of
British Columbia

MINISTRY OF
ENVIRONMENT,
LANDS AND PARKS

BC
Environment

Skeena Region
Box 6000
Smithers, British Columbia
V0J 2N0
Telephone: (604) 847-7260
FAX: (604) 847-7591/7728/7709

July 17, 1995

File: 48510-30

~~Water File 6-698~~

Water File 6-847

Your File: Bylaw 859 & 860

Referral: NOS950517-01

Referral Index: 8716

Drainage: Endako River

Regional District of
Bulkley - Nechako
PO Box 820
Burns Lake BC V0J 1E0

Attention: Christine McKinley

Dear Ms:

Re: Amendment of Community Plan Bylaw 637 from Rural Resource to
Semi-Urban Residential (R) and Commercial (C); and Amendment of
Zoning Bylaw 700 from Large Holdings (H2) to Residential (R1),
Commercial (C1), Institutional (P1) and Recreational (P2);
SE 1/4 of DL 4139, and N. 1/2 of DL 4138, Range 5, Coast District.

BC Environment has reviewed this proposal and advise the following:

1) Habitat Protection Branch advises:

- Non-disturbed buffers must be left adjacent to all waterbodies to help maintain water quality and provide wildlife habitat.
- Natural forest stands should be retained to provide habitat for wildlife accumulation.
- Garbage must be controlled to prevent bear problems.

2) Water Management Branch, Allocations, advises in the report from L & M Engineering Limited, dated March 17, 1995, to Bear Toe Resort Ltd. (Rol Wellman), the consultant outlines, under the Engineering Section, that water will be supplied from the Endako River, pumped to Upper Martin Lake and then distributed, in accordance with Conditional Water License 108875.

- 3) Conditional Water License 108875 is a conservation purpose water license which provides the authority to pump 1.0 cubic feet per second of water from the Endako River into Martin Lake (not Upper Martin Lake, see attached drawing); and 3.7 cubic feet per second of water from Martin Brook into Upper Martin Lake which is then diverted down into Martin Lake via Wellman Pond. CWL 108875 does not provide the authority to divert water for a Community Water System.
- 4) The Regional District, Planning Department, has provided comments stating the requested re-zoning density would be permitted provided the lots are served by a community water system.

Bear Toe Resort Ltd. does not have a water license to service this proposal. A new water license will be required to be applied for as a water works purpose.

- 5) The Water Utility Act states "a person, including the lessee, trustee, receiver or liquidator of that person, who owns or operates in the Province equipment or facilities for the diverting, developing, pumping, impounding, distributing or furnishing of water to or for 5 (five) or more persons, or to a corporation, for compensation" then this person shall be known as a water utility. Should this be the case with Bear Toe Resort Ltd. then not only is a new water license required but the Resort will also be required to apply for Water Utility status and construct all works according to Water Utility requirements.
- 6) Water Management Branch, Engineering, advise if the land is lower than one point five (1.5) metres above the natural boundary of any nearby watercourse then floodprotection restrictions would apply to development on this lot.
- 7) Pursuant to the Waste Management Act, the proponent must obtain a Waste Management Permit or Approval if sewage effluent is being discharged to the ground at a design capacity rate of 22.3 cubic metres per day (approximately 5000 gal/day) or over. A discharge of less than a design capacity rate of 22.3 cubic metres per day is covered under the Ministry of Health Regulations and authorization must be obtained from that Ministry.

All Permits and Approvals must be obtained before the respective discharges commence. Applications may be obtained from the Environmental Protection Manager, Environmental Protection, BC Environment, Box 5000, Smithers BC V0J 2N0.

- 8) The proposed provision of a community sewage system for lots around Bear Toe Lake will greatly reduce the potential for contamination of the lake with pathogens and excessive nutrients. There is still concern, however, regarding the individual sewage systems proposed for the remaining lots. In particular the lots slated for development in the initial phase of the project directly above and north of the lake. From the initial plot plan the nearest of these lots is approximately 80 meters from the lake and about 15 meters above the lake level. The soil appears to be very porous and given the steep slope on these lots, sewage may have some potential to seep out of the bank closer to the lake. The spring fed pond on the upper area of the site also suggests some potential for sewage to surface from tile fields.
- 9) There is not enough information on the soil and groundwater conditions to judge the likelihood of sewage to contaminate surface water on the site. A professional hydrogeologic assessment is needed to determine whether ground disposal of sewage is acceptable given the soil and groundwater conditions at the site.
- 10) The maintenance of lawn free natural settings, as stated in this proposal, will help to preserve habitat for wildlife, however, if tile fields are used to dispose of sewage waste, provisions will have to be made to keep the area of the tile fields clear of vegetation which can plug the field piping.
- 11) We are also concerned about the impact of the development on the water quality of Bear Toe Lake. Development around the lake will likely increase the phosphorous loading to the lake and if the lake is nutrified it may become depleted of oxygen and unable to support fish. Basic water quality analysis should be undertaken to establish baseline water quality and judge how sensitive the lake is to nutrification. This should be done as part of the hydrogeologic assessment of the site. Estimates of stream flow and lake volume should be obtained in order to estimate the flushing rate of the lake. A rapid replacement rate will help prevent nutrient buildup. Water quality measurements should include:
 - orthophosphate
 - total dissolved phosphate
 - ammonia
 - nitrate
 - nitrite
 - hardness
 - coli, F. streptococci

Samples should also be taken from the Endako River and the inflow water to the lake. We recommend that regular water quality sampling be undertaken to monitor any deterioration of water quality in the lake.

- 12) The raw drinking water source must satisfy microbiological water quality criteria and these are dependent on the degree of treatment. For example, with disinfection only, E. coli must be less than or equal to 10 colonies per 100 mL (90th percentile).

It is important that samples be taken by trained personnel since the samples require special treatments and the analysis must be performed within certain time limits. Replicate samples at different times of the year are preferable so that the variability of water quality can be determined.

- 13) Another concern is the control and management of chemical use on the golf course. The use of fertilizers may lead to nutrient input to surface water on the property. Application of fertilizers should be done in a manner which minimizes transport of nutrients to the Endako River and Bear Toe Lake. Use of herbicides and pesticides must conform to the Pesticide Control Act regulations. We encourage the development of a site management manual for the golf course and enclose a copy of the manual developed by the Riverside Golf Course as an example.
- 14) We recommend measures be taken to minimize the attraction of bears to the site by controlling garbage. Measures which are effective in reducing bear problems in rural developments include:
- ban outside garbage storage except in bear proof containers
 - ban backyard burners, as the residue attracts bears
 - provision of a community bear proof garbage transfer bin
 - regular removal of garbage to permitted disposal site

Yours truly,



Reid D. White, R.P.Bio., P.Eng.
BC Environment Referral Committee

RDW/1

cc - Rol Wellman, Burns Lake



Province of
British Columbia

SKEENA REGION

Ministry of
Environment

MEMORANDUM

Box 5000, Smithers, British Columbia V0J 2N0

MINISTRY OF CROWN LANDS
SURVEYS AND RESOURCE MAPPING BRANCH
TOPONYMY SECTION
1802 DOUGLAS ST
VICTORIA BC V8V 1K5

October 18, 1994

File: 6-698

Re: Source Name

Please supply a source name for two lake as shown on the attached map 93K/3. There is some urgency in getting these lakes named and any help you could give me would be greatly appreciated.

To my knowledge, there is no local name for these lakes, although the applicant (North American Cattle Co.) refers to the lakes as "Main" and "Upper" Lakes

Lynne Williamson

Lynne Williamson
Supervisor, Licence and
Documentation Section
Skeena Region

Phone: 847-7280
Enclosure

MARTIN LAKE & UPPER MARTIN LAKE

HAVE BEEN ADOPTED - actually Upper lake isn't compiled on 1:50 000 so only a vague outline has been noted.

fax

fax 847-7728

PROVINCE OF
BRITISH COLUMBIA



PROCESSING SECTION
BC ENVIRONMENT
SKEENA REGION
Box 5000
Smithers, B.C. V0J 2N0
FAX # (604) 847-7728

FACSIMILE FORM

To: Name: Janet Mason
FAX # 1 356 7831

Ministry
or Company: Lands

Branch/Section: Surveys & Resource Mapping

Location: Victoria

Phone # 1 387-6316

Message: _____

From: LYNNE WILLIAMSON

Phone: (604) 847-7280

Date: Oct 18/94 Time: _____

Pages sent including this one. . . 3

Confirmation of receipt required. Yes / No



MEMORANDUM

Bag 5000, Smithers, British Columbia V0J 2N0

MINISTRY OF CROWN LANDS
SURVEYS AND RESOURCE MAPPING BRANCH
TOPONYMY SECTION
1802 DOUGLAS ST
VICTORIA BC V8V 1X5

October 18, 1994

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Re: Source Name

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Lynne Williamson
Supervisor, Licence and
Documentation Section
Skeena Region

Phone: 847-7280
Enclosure



WATER LICENCE APPLICATION

2104459

PLEASE REFER TO GUIDE NOTES. TO BE ACCEPTED, THIS APPLICATION MUST BE
COMPLETED FULLY AND ACCOMPANIED BY A \$25.00 APPLICATION FEE.

PLEASE PRINT FIRMLY (Do Not Erase)

FILE NO: 6-698

1. Name	NORTH AMERICAN CATTLE CO. LTD.		
Mailing Address	ROL and NANCY WELLMAN, owners		
Property Address if Different	BURNS, LAKE, BRITISH COLUMBIA		
Home Tel:	Business Tel:	Message Tel:	
Discharges into: FRASER LAKE / ENDAKO			
2. Source	ENDAKO RIVER / UNNAMED CREEK		
3. Purpose and Quantity	Domestic 1000 gallons a day. Irrigation 70 number of acres. Storage acre feet a year. Other (Specify) CONSERVATION (335 ac.ft)		
4. Place of Use	Legal description of property where water is to be used: IRRIGATED PROPERTY, and PROPERTY WHERE DWELLINGS ARE LOCATED. SEE ATTACHED EXHIBIT 'B'		
Tenure to Land	Registered Owner <input checked="" type="checkbox"/> Lessee <input type="checkbox"/> Other <input type="checkbox"/>		
5. Works	THE PROPOSED WORKS WILL CONSIST OF Pipe <input checked="" type="checkbox"/> Irrigation System <input checked="" type="checkbox"/> Trough <input type="checkbox"/> Tank <input type="checkbox"/> Storage Works: Height of Dam 10 ft. Construction Material EARTH CONCRETE and TIMBER Maximum Area of Reservoirs 67 ac. Quantity of Water Stored 335 ac. ft. 20 for Lake/12 ac - resv + 3/35 ac. resv + 2 Other Works: PUMP, HEADGATE, DITCH Joint Works <input type="checkbox"/> Other users:		
6. Point of Diversion/Storage Site	Location: SE 1/4, D.L. 4141 SW 1/4, D.L. 3589		
7. Lands Affected	The works will physically affect (by crossing or flooding) the following lands: Legal Description of Land Affected Name of Owner (including Crown)		

FOR OFFICIAL USE ONLY:

I hereby declare that the sum of Two hundred & twenty-five dollars (\$ 225.00) is being paid from the undersigned for payment of application for water licence.

Wellman.
Applicant (please print)

Sub 46/92
Date

Received By

5880275
Receipt Number

To be removed and forwarded with Batch Transmittal Sheet D

WELLMAN. CREEK.

SEE EXHIBIT 'A'

NOTE: A sketch must accompany your application. See guide notes, item 9, for sketch requirements.

SEE EXHIBIT 'C'

Applicant's Signature

Agent's Signature

Date

Page 141 of 149 to/à Page 145 of 149

Withheld pursuant to/removed as

s.3

October 23, 1991

Attention: Scott Morgan
Ministry of Environment
Water Management
Smithers, B.C.
Fax: (604) 847-7591

Dear Scott,

Enclosed please find a rough draft of our proposed long term Water Management project. I'll call you within a few days for your recommendations.

In thanking you for your attention to this matter, I am

Sincerely yours,

Rol Wellman
s.22

North American Cattle Co.
Burns Lake Unit
Rol & Nancy Wellman, Owners

Water License Applications

Located on 'Endako' 1/50,000 ToPog Map

Reference Grid Numbers: North/South 1st number; East/West 2nd no.

Example: 42/13 = 42 North-South, 13 East-West on Endako Map

Purpose of Projects:

The long term purpose of this project is to create an ample water shed by the use of existing 'Freshet' water and to stabilize the availability of seasonal irrigation water. Wildlife, Waterfowl, our Forestry Grazing Permit, and crop production will equally benefit by the storage and more prudent use of a natural resource normally lost to the annual 'spring run-off'.

The proposed project will 'charge' the natural aquifer, generating more productive springs & streams and produce nutritious grasses & feed surrounding the 'seeded' reservoirs and ditch banks. The project is designed to allow a more gradual release of moisture from the aquifer, versus a hurried release brought on by snow melt, no storage, and steep drainage which benefits no one.

The reservoirs will create habitat for Moose & Waterfowl. The ditches will create feed and drinking water for Deer, Elk, Moose, and livestock on the summer Grazing Permit. Water Storage will benefit crop production and reduce soil erosion.

Prior to a 'Due Diligence' study, a preliminary proposal would be to investigate the feasibility of constructing compatible reservoirs at *Swamp No. #1 (*See page two for the Description & Locations of the various Projects) & *Swamp No. #2, thus increasing the constant flow downstream to the *Point of Diversion No. #1.

At the screened (Fisheries) Point of Diversion No. #1, channel the water through a wide, flat 'V' type seeded ditch to a reservoir built at *Swamp No. #3. Water would then be allowed to flow freely through a similar ditch to *Lake No. #1, keeping Swamp No. #3 and Lake No. #1 at a rather constant level.

From the proposed point of diversion, the present stream, heading southeast, drops more than 300' to Shovel Creek, then drops over another 100' to the Endako all in a little over 3.5 miles. Our proposed ditches will divert a portion of the water southwest over a more gentle course, involving beneficial storage in both a reservoir and a lake, before eventually increasing the flow of the Endako at a higher elevation four miles upstream from the present inlet.

The proposed new ditches below the Point of Diversion No. #1, the outlet of Lake No. #1 and the Electric Pump in the Endako will be screened to 'Fisheries' requirements, including if necessary, proper meshed screens and baseball sized stones to prevent the loss of any fish.

*See page two for the Description & Locations of the various Projects.

Descriptions & Locations: Based on 'Endako' 1/50,000 ToPog Map

Electric Pump - Endako

Location: Lot 4141, north of R.R. Trestle (46.75/1.5)

Purpose: Water Storage & Irrigation in & from Lake.

Stream: Headwaters @ 42/13 Lake/Swamp No. #1, meandering south & east to 46/6 Swamp No. #2, then east & south to Point of Diversion No. #1 @ 49.5/4.8, (sw of lot 3589). Point of Diversion No. #1 west, southwest to 46.5/3 Swamp No.#3, then south into 46.5/1.6 Lake No.#1.

Possible Reservoirs: New & Enlarged. Depending on prior licenses, Water Management's requirements, and Ducks Unlimited feasibility studies.

Projects: Order of Preference

1. Electric Pumping Station: Endako, north of R.R. Trestle
Located on Deeded Ground.
2. Enlarge Lake No. #1: Stabilize outlet to 'Fisheries'
required standards. Irrigation & Domestic Use.
3. Swamp No. #3: Critical Water Storage
4. Point of Diversion No. #1: Fisheries's Standards
Headgate. Wide, Flat 'V' Irrigation Ditch, connecting
Point of Diversion to Swamp #3, then Lake No.#1
Critical to overall Project!
5. Swamp No. #2: Possible Water Storage
Necessary to regulate & increase Stream Flow
6. Swamp No. #1: Possible Water Storage
Ideal location on top of divide, headwaters of stream.
Question probability because of existing Lake & Cabin
site. Deeded? Under 4,000' elevation required by Ducks
Unlimited. Excellent reservoir site.

Deeded Legal Descriptions
Range 5 Coast District

Parcel Identifier No.(PID)	Brief Legal Description
-----	-----
015-932-648	Part of SW 1/4 of District Lot 4141
015-209-580	SE 1/4 of District Lot 4139
009-431-292	Lot 23, District Lot 4142, Plan 5982
015-209-563	N 1/2 of District Lot 4138
015-213-722	Fraction of SE 1/4 of District Lot 4141
009-431-306	SW 1/4 of District Lot 4141