

**WATER USE LICENCE  
(Agricultural)**

Pursuant to the *Water Resources Act*, SNL 2002 cW-4.01

Date of Issuance: **DECEMBER 29, 2015**

No: **WUL-15-8430**  
File: **515**

Licensee: **B.I.A. Farms Inc.**



Attention:



Re: **Water Withdrawal and Use from Unnamed Body of Water near Lewisporte**

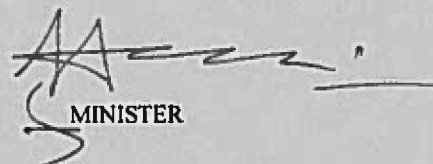
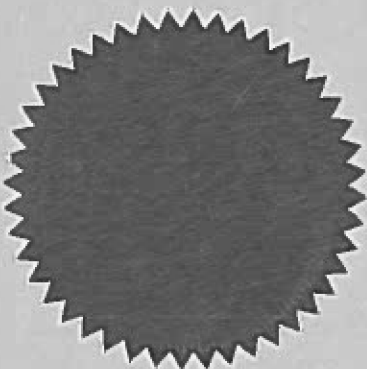
The Minister of Environment and Conservation (the "Minister") hereby grants a non-exclusive water right to: **B.I.A. Farms Inc.** (the "Licensee") to withdraw water from an existing unnamed body of water near Lewisporte (49°12'50"N, 55°02'55"W), as indicated in Schedule A (attached), and use it for the purpose of supplying water to the Licensee's farm in reference to the application received on November 10, 2015 and further information provided on or before November 24, 2015.

This Licence is subject to the terms and conditions, reservations, exceptions, and provisions stated herein and the *Water Resources Act* and regulations thereunder. Appendices A, B and Schedule A (attached) form part and parcel of this Licence.

This Licence does not release the Licensee from the obligation to obtain appropriate approvals, permits or licences from other concerned municipal, provincial and federal agencies.

**The Licensee shall complete and return the attached Notification of Acceptance of Water Use Licence to the Water Rights and Investigations Section of the Department of Environment and Conservation within thirty (30) days of receipt of this Licence.**

Failure to comply with the terms and conditions, reservations, exceptions, and provisions set out herein will render this Licence null and void, place the Licensee and/or its agents in violation of the *Water Resources Act*, and cause the Licensee to be responsible for any and all remedial measures which may be prescribed by the Department of Environment and Conservation.



MINISTER

GOVERNMENT OF  
NEWFOUNDLAND AND LABRADOR  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

No: WUL-15-8430  
File: 515

**APPENDIX A**  
**TERMS AND CONDITIONS FOR WATER USE LICENCE**

---

The Minister of Environment and Conservation (the "Minister") hereby grants a non-exclusive water right to: **B.I.A. Farms Inc.** (the "Licensee") to withdraw water from an existing unnamed body of water near Lewisporte (49°12'50"N, 55°02'55"W), as indicated in Schedule A (attached), and use it for the purpose of supplying water to the Licensee's farm in reference to the application received on November 10, 2015 and further information provided on or before November 24, 2015.

1. Ownership of water rights remains with the Crown and is not transferred. This Water Use Licence only provides permission for the Licensee to withdraw and use water for the designated purpose indicated in this Licence.
2. The non-exclusive rights and privileges hereby demised by this Licence shall not be sold, assigned, transferred, leased, mortgaged, sublet or otherwise alienated by the Licensee.
3. The Licensee acknowledges and agrees that this Licence does not grant any interest in land.
4. This Licence is effective November 20, 2015 and shall expire on December 31, 2025 or earlier if suspended or modified or cancelled by the Minister due to reasons that include, but is not limited to, non-compliance with the Water Resources Act, 2002 and terms and conditions, reservations, exceptions, and provisions, lack of utilization of approved water for the designated purpose and prompt reporting pursuant to this Licence. Also, this Licence may be renewed by the Minister for such renewal term as the Minister deems appropriate, on such terms and conditions as the Minister considers appropriate and in the public interest, provided the Licensee applies for an extension at least 180 days before the expiry of this Licence. This Licence supercedes and cancels Water Use Licence WUL-13-004.
5. The designated purpose of the water use is Agricultural.
6. The maximum annual water withdrawal and use from said body of water shall not exceed an estimated amount of 9,000 cubic meters for the Licensee's farm. This water withdrawal and use is subject to water availability in the said body of water. All necessary measures must be taken during water withdrawal to avoid any negative impact on said body of water or any nearby body of water and the environment.
7. The Licensee shall not at any time impair, pollute or cause to be polluted the quality of water of the said body of water or any nearby body of water. Also, this Licence shall not be interpreted as granting any rights to cause adverse effect(s) on water in or outside the Licensee's farm. The Water Resources Management Division of the Department of Environment and Conservation must be informed if this activity has a potential to impair water quality of the said body of water or any nearby body of water. In addition, any and all waste material that may result from activities at the Licensee's farm must be removed and disposed at a site approved by the regional Government Service Centre of the Department of Service NL. The Departments of Environment and Conservation and Service NL may require samples to be submitted for testing and analysis.
8. The Licensee shall prudently maintain in good faith records of the rates and amounts of water used on a daily basis at the Licensee's farm and complete and file a form following the format of Appendix B with the Water Rights and Investigations Section of the Department of Environment and Conservation on or before March 31st of each year or as required at any time by the Minister during the term created by this Licence. Also, the Licensee may be required to monitor, report and assess water quality and quantity of the water available and supplied to the Licensee's farm in such manner as the Minister considers necessary such as flowmeter(s) for the said body of water.
9. The Licensee shall not make changes in the purpose, plans and rates and amounts of water specified in this Licence or construct any systems or works or divert the course or alter the physical features of the said body of water or any nearby body of water without the prior written approval from the Minister.
10. The Licensee shall keep all systems and works in good condition and repair, and shall notify the Minister immediately if any problem arises which may adversely affect public safety or other water users. Also, the Licensee shall restore all area(s) that may be affected to a state that resembles local natural conditions. Further remedial measures to mitigate environmental impacts on water resources can and will be specified, if necessary in the opinion of this Department.
11. The employees of the Department of Environment and Conservation, authorized by the Minister, may at all reasonable times during the term created by this Licence enter into the Licensee's farm and the Licensee's designated place of business to

inspect the systems and works, records, statements, and accounts, and shall be entitled to copy such information as may be required by the Minister in relation to this Licence and may exercise all other powers of inspection as provided for in the Water Resources Act, 2002.

12. The Licensee and its agent(s), subcontractor(s), and consultant(s) indemnify and hold the Government and the Minister harmless against any and all liabilities, losses, claims, demands, damages or expenses including legal expenses of any nature whatsoever whether arising in tort, contract, statute, trust or otherwise resulting directly or indirectly from the non-exclusive rights granted under this Licence, all associated systems or works in or outside the Licensee's farm, or any act or omission of the Licensee or its agent(s), subcontractor(s), or consultant(s) in or outside the Licensee's farm and all associated systems or works, or arising out of a breach or non-performance of any of the terms and conditions, and provisions of this Licence by the Licensee or its agent(s), subcontractor(s), or consultant(s).
13. If the Licensee or its agent(s), subcontractor(s), or consultant(s) fails to perform, fulfil, or observe any of the terms and conditions, or provisions of this Licence and/or Ministerial orders and guidelines, as determined by this Department, the Minister may, after providing ten (10) day notice to the Licensee, amend, modify, suspend or cancel this Licence in accordance with the Water Resources Act.
14. Should any provision of this Licence be unenforceable, it shall be considered separate and severable from the remaining provisions of this Licence which shall remain in force and be binding as though the provision had not been included.
15. This Licence is subject to all provisions of the Water Resources Act and any regulations in effect either at the date of this Licence or hereafter made pursuant thereto or any other relevant legislation enacted by the Province of Newfoundland and Labrador in the future.
16. This Licence shall be construed and interpreted in accordance with the laws of the Province of Newfoundland and Labrador.

All notices to be given pursuant to the terms and conditions of this Licence shall be given in writing and delivered by facsimile with auto confirmation or registered mail. If a notice is delivered by facsimile, it is deemed to have been received on the day it was sent if that day is a normal business day, if not, it is deemed to have been received on the next normal business day. If a notice is sent by registered mail, it is deemed to have been received three days after the day it was mailed. The address of the Licensee is:

**B.I.A. Farms Inc.**



The address and facsimile number of the Department of Environment and Conservation are:

**Water Rights and Investigations Section**  
Department of Environment and Conservation  
PO Box 8700  
St. John's NL A1B 4J6  
(709) 729-0320

GOVERNMENT OF  
NEWFOUNDLAND AND LABRADOR  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
*APPENDIX B*

Report to Department of Environment and Conservation

To: **Water Rights and Investigations Section**  
Water Resources Management Division  
Department of Environment and Conservation  
PO Box 8700  
St. John's NL A1B 4J6

No: WUL-15-8430  
File: 515  
Authorized: DECEMBER 29, 2015

Re: *Water Withdrawal and Use from Unnamed Body of Water near Lewisporte*

**This report must be completed and filed on or before March 31<sup>st</sup> of each year or upon the completion of activities for a temporary period. Provide the information required below:**

1. Has the Licensee used water during last year? Yes  No   
If no, explain (use extra sheet to provide more information, if any).

\_\_\_\_\_

\_\_\_\_\_

2. Does the Licensee wish to continue the non-exclusive water right? Yes  No   
If no, explain (use extra sheet to provide more information, if any).

\_\_\_\_\_

\_\_\_\_\_

3. Has the Licensee exceeded the estimated maximum water withdrawal of that indicated in Appendix A? Yes  No   
If yes, explain in the space below (use extra sheet to provide more information, if any).

\_\_\_\_\_

\_\_\_\_\_

In the table below, state the monthly water uses during last year or a temporary period and attach spreadsheet for daily water uses along with water quality report(s) as may be applicable:

Month	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Use in litres or cubic meters													

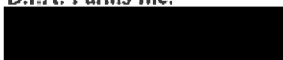
4. Is there any other matter on which the Licensee wishes to inform the Department of Environment and Conservation regarding this Licence and its terms and conditions? Yes  No   
If yes, explain (use extra sheet to provide more information, if any).

\_\_\_\_\_

\_\_\_\_\_

I/We acknowledge that the information contained in this report is true and correct.

B.I.A. Farms Inc.



Signature: \_\_\_\_\_

Name/Title: \_\_\_\_\_

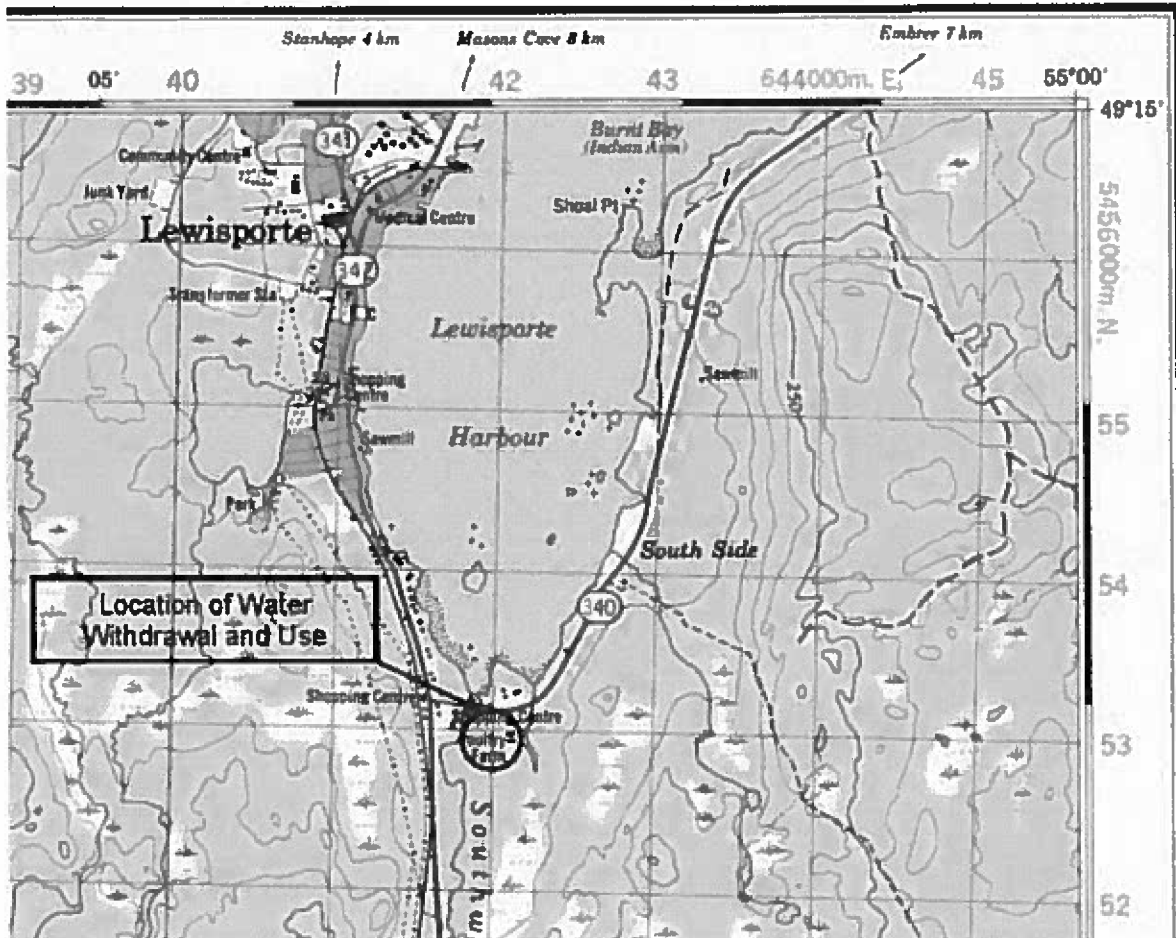
Date: \_\_\_\_\_

No: WUL-15-8430

File: 515

- cc: Mr. Rodger Primmer (C)  
Manager, Central Regional Crown Lands  
PO Box 2222  
Gander NL A1V 1T5
- cc: Mr. Rick Carey  
Director  
Land Resource Stewardship Division  
Department of Natural Resources  
PO Box 2006  
1st Floor, Fortis Bldg.  
Corner Brook NL A2H 6J8
- cc: Dr. Abdel-Zaher Kamal Abdel-Razek, Ph. D., P.Eng.  
Manager, Water Rights and Investigations Section  
Water Resources Management Division  
Department of Environment and Conservation  
P.O. Box 8700  
St. John's NL A1B 4J6

Schedule A  
Location Map for Permit





Government of Newfoundland and Labrador  
Department of Environment and Conservation  
Water Resources Management Division

Water Rights and Investigations Section  
Water Resources Management Division  
Department of Environment and Conservation  
PO Box 8700  
St. John's NL A1B 4J6

Date: DECEMBER 29, 2015  
File: 515

**NOTIFICATION OF ACCEPTANCE OF WATER USE LICENCE**  
Water Withdrawal and Use from Unnamed Body of Water near Lewisporte

Water Use Licence No. WUL-15-8430 issued on DECEMBER 29, 2015, and valid until December 31, 2025.

As a Licensee of Water Use Licence No. WUL-15-8430, issued pursuant to the *Water Resources Act*, **B.I.A. Farms Inc.** (the "Licensee"), agrees to accept this Licence for the stated duration and abide by all terms and conditions, reservations, exceptions and provisions stated therein. The Licensee acknowledges that failure to abide by the terms and conditions, reservations, exceptions and provisions indicated in Appendices A, B and Schedule A (attached), and the *Water Resources Act* will render the Licence null and void, place the Licensee and/or their agent(s) in violation of the *Water Resources Act* and regulations thereunder and cause the Licensee to be responsible for any and all remedial measures which may be prescribed by the Department of Environment and Conservation.

Signed, sealed, and delivered by  
**B.I.A. Farms Inc.**,  
in accordance with its rules and  
regulations in that behalf  
at \_\_\_\_\_, \_\_\_\_\_, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2015 in the presence  
of:

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_  
Signing Officer

Seal:

**Important:** The attached Water Use Licence is not valid unless the Licensee completes and returns this notification to the address above within thirty (30) days of receipt.