



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

**WATER USE LICENCE  
(Commercial - Water Bottling)**

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

**Date of Issuance:** DECEMBER 30, 2015

**No:** WUL-15-8438

**File:** 515

**Licensee:** **McCurdy Enterprises Ltd./Canada Wet Corporation**  
PO Box 74  
47 McCurdy Drive  
Gander NL A1V 1W5

**Attention:** **Mr. Jerry White, President**

**Re:** **Water Withdrawal and Use for Bottling Plant near South Brook, Halls Bay**

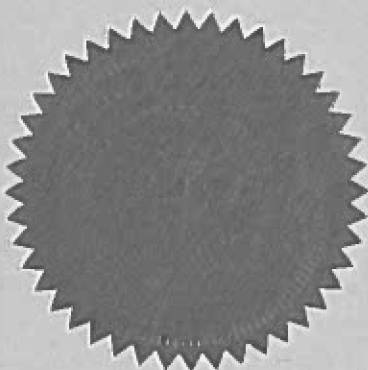
The Minister of Environment and Conservation (the "Minister") hereby grants a non-exclusive water right to: **McCurdy Enterprises Ltd./Canada Wet Corporation** (the "Licensee") to withdraw water from an unnamed body of water located near the Town of South Brook, Halls Bay (49°25'30"N, 56°06'15"W), as indicated in Schedule A of this Licence, for the purpose of supplying water to the Licensee's existing bottling plant. The water may be used for producing the Licensee's own bottled water and other finished water based products in the Province of Newfoundland and Labrador (the "Province") which may be sold to consumers in and outside the Province. This non-exclusive water right is granted in reference to the original application received on January 4, 2005, the application for renewal received on May 29, 2015, and further information provided on or before December 30, 2015.

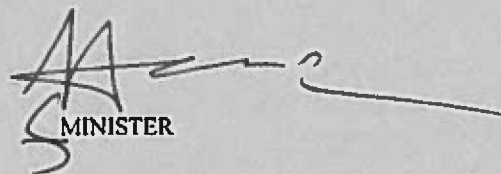
This Licence is subject to the terms and conditions, reservations, exceptions, and provisions stated herein and the *Water Resources Act* and regulations thereunder. Appendices A, B and Schedule A (attached) form part and parcel of this Licence.

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-15-8438  
File: 515

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

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The Minister of Environment and Conservation (the "Minister") hereby grants a non-exclusive water right to: **McCurdy Enterprises Ltd./Canada Wet Corporation** (the "Licensee") to withdraw water from an unnamed body of water located near the Town of South Brook, Halls Bay (49°25'30"N, 56°06'15"W), as indicated in Schedule A of this Licence, for the purpose of supplying water to the Licensee's existing bottling plant. The water may be used for producing the Licensee's own bottled water and other finished water based products in the Province of Newfoundland and Labrador (the "Province") which may be sold to consumers in and outside the Province. This non-exclusive water right is granted in reference to the original application received on January 4, 2005, the application for renewal received on May 29, 2015, and further information provided on or before December 30, 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. The designated purpose of the water use is Commercial: water use for producing the Licensee's own bottled water and other finished water based products in the Province.
5. This Licence shall not be interpreted as granting any right to sell bulk water from the said body of water in or outside the Province or to remove bulk water from the said body of water to outside the Province.
6. This Licence is effective April 1, 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 authorized water for the designated purpose or 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 hundred and eighty (180) days before the expiry of this Licence. In addition, the Licensee shall immediately inform the Minister of any matter or change regarding this Licence that may arise from time to time during the term created by this Licence.
7. This Licence shall not be interpreted as granting any rights which might affect the rights of any and all traditional users of the said body of water including local residents and nearby communities to personally have an access to obtain any amount of water for their own domestic use. The Licensee shall provide a faucet that will facilitate the obtaining of water required for the said users. The said faucet shall be capable of delivering water at the same rate of flow as the mean annual discharge of the said body of water which is approximately 720,000 litres per day. The Licensee shall post an appropriate warning sign at the said faucet to indicate that this water source is untreated and not an approved drinking water supply.
8. The maximum annual water withdrawal shall not exceed [REDACTED] subject to Condition 7 of this Licence. The Minister may increase the amount of water authorized subject to demonstrated need, production capacity, and water availability. The Licensee shall not use amounts of water in excess of the need for the Licensee's bottling operation only, irrespective of the amount of water authorized herein.
9. 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. The Water Resources Management Division of the Department of Environment and Conservation must be informed if this activity or any ongoing activity has a potential to impair, pollute or cause to be polluted of the quality of water of the said body of water or any nearby body of water. Also, the Licensee shall not discharge any waste material or effluent into any body of water. In addition, any and all waste material that may result from the said bottling plant and its operations 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.
10. The Licensee shall not make changes in the purpose, plans and rates and amounts of authorized water 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 permission from the Minister.

11. The Licensee shall prudently maintain in good faith records, accounts and statements of the rates and amounts of water withdrawn and used on a daily basis for bottling purposes, monthly production of bottled water and other finished water based products, water quality and any other information that the Minister may require in whatever form, manner and time. Copies of such records, accounts, statements, all information required to exercise the non-exclusive rights and privileges demised under this Licence, and a form following the format of Appendix B shall be submitted to 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 during the term created by this Licence.
12. 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 said bottling plant, and the Licensee's designated place(s) of business to inspect all associated systems or 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.
13. The Licensee shall keep the said bottling plant and all associated systems or works in good condition and repair, and shall immediately notify the Minister if any problem arises which may adversely affect public safety or other water users.
14. The Licensee shall pay the applicable charges or royalties for the use of water, if imposed under the Water Resources Act, 2002 during the term of this Licence. Once imposed, the Licensee shall, upon receipt of an invoice stating the amount owing for annual charges or royalties for water use, pay to the Minister the full amount within thirty (30) days of the receipt of the said invoice.
15. 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, the operation of the said bottling plant and all associated systems or works, or any act or omission of the Licensee or its agent(s), subcontractor(s), or consultant(s) in or outside the said bottling plant 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).
16. 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.
17. 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.
18. 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.
19. 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:

**McCurdy Enterprises Ltd./Canada Wet Corporation**  
PO Box 74  
47 McCurdy Drive  
Gander NL A1V 1W5

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-15-8438**  
File: **515**  
Authorized: **DECEMBER 30, 2015**

Re: *Water Withdrawal and Use for Bottling Plant near South Brook, Halls Bay*

**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.

McCurdy Enterprises Ltd./Canada Wet Corporation  
PO Box 74  
47 McCurdy Drive  
Gander NL A1V 1W5

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

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

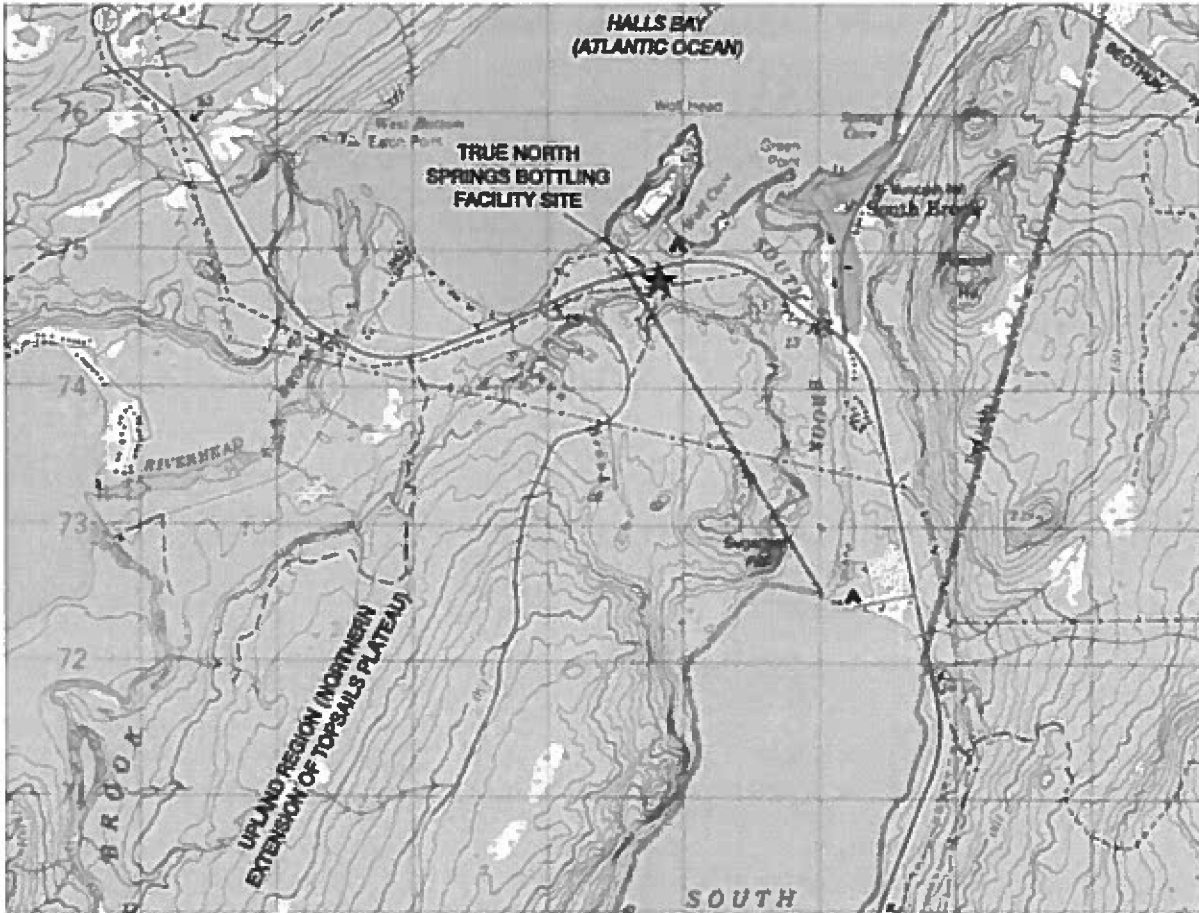
Date: \_\_\_\_\_

No: WUL-15-8438  
File: 515

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

cc: Town of South Brook  
Ms. Marlene Burton  
PO Box 63  
South Brook NL A0J 1S0

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 30, 2015  
File: 515

**NOTIFICATION OF ACCEPTANCE OF WATER USE LICENCE**  
Water Withdrawal and Use for Bottling Plant near South Brook, Halls Bay

Water Use Licence No. WUL-15-8438 issued on DECEMBER 30, 2015, and valid until December 31, 2025.

As a Licensee of Water Use Licence No. WUL-15-8438, issued pursuant to the *Water Resources Act*, **McCurdy Enterprises Ltd./Canada Wet Corporation** (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  
**McCurdy Enterprises Ltd./Canada Wet Corporation**,  
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.