

**Content Copy Of Original**

Ministry of the Environment, Conservation and Parks  
Ministère de l'Environnement, de la Protection de la nature et des Parcs

---

**PERMIT TO TAKE WATER**

Surface Water

NUMBER 1066-BJAQXM

Reference Number 0667-BEFKAH

*Pursuant to Section 34.1 of the Ontario Water Resources Act , R.S.O. 1990 this Permit To Take Water is hereby issued to:*

Bayou Cable Park Inc.  
385362 20th Sideroad  
Amaranth, Ontario, L0N 1M0  
Canada

**For the water taking from:** Indian Brook, Intermittent Watercourse

**Located at:** Lot 30, Concession 9, Geographic Township of Collingwood  
The Blue Mountains, County of Grey

*For the purposes of this Permit, and the terms and conditions specified below, the following definitions apply:*

**DEFINITIONS**

- (a) "Director" means any person appointed in writing as a Director pursuant to section 5 of the OWRA for the purposes of section 34.1, OWRA.
- (b) "Provincial Officer" means any person designated in writing by the Minister as a Provincial Officer pursuant to section 5 of the OWRA.
- (c) "Ministry" means Ontario Ministry of the Environment, Conservation and Parks.
- (d) "District Office" means the Owen Sound District Office.
- (e) "Permit" means this Permit to Take Water No. 1066-BJAQXM including its Schedules, if any, issued in accordance with Section 34.1 of the OWRA.
- (f) "Permit Holder" means Bayou Cable Park Inc. .
- (g) "OWRA " means the *Ontario Water Resources Act*, R.S.O. 1990, c. O. 40, as amended.

*You are hereby notified that this Permit is issued subject to the terms and conditions outlined below:*

**TERMS AND CONDITIONS**

**1. Compliance with Permit**

1.1 Except where modified by this Permit, the water taking shall be in accordance with the application for this Permit To Take Water, dated July 23, 2019 and signed by Dan J. Hurley, and all Schedules included in this Permit.

1.2 The Permit Holder shall ensure that any person authorized by the Permit Holder to take water under this Permit is provided with a copy of this Permit and shall take all reasonable measures to ensure that any such person complies with the conditions of this Permit.

1.3 Any person authorized by the Permit Holder to take water under this Permit shall comply with the conditions of this Permit.

1.4 This Permit is not transferable to another person.

1.5 This Permit provides the Permit Holder with permission to take water in accordance with the conditions of this Permit, up to the date of the expiry of this Permit. This Permit does not constitute a legal right, vested or otherwise, to a water allocation, and the issuance of this Permit does not guarantee that, upon its expiry, it will be renewed.

1.6 The Permit Holder shall keep this Permit available at all times at or near the site of the taking, and shall produce this Permit immediately for inspection by a Provincial Officer upon his or her request.

1.7 The Permit Holder shall report any changes of address to the Director within thirty days of any such change. The Permit Holder shall report any change of ownership of the property for which this Permit is issued within thirty days of any such change. A change in ownership in the property shall cause this Permit to be cancelled.

## **2. General Conditions and Interpretation**

### **2.1 Inspections**

The Permit Holder must forthwith, upon presentation of credentials, permit a Provincial Officer to carry out any and all inspections authorized by the OWRA, the *Environmental Protection Act*, R.S.O. 1990, the *Pesticides Act*, R.S.O. 1990, or the *Safe Drinking Water Act*, S. O. 2002.

### **2.2 Other Approvals**

The issuance of, and compliance with this Permit, does not:

(a) relieve the Permit Holder or any other person from any obligation to comply with any other applicable legal requirements, including the provisions of the *Ontario Water Resources Act*, and the *Environmental Protection Act*, and any regulations made thereunder; or

(b) limit in any way any authority of the Ministry, a Director, or a Provincial Officer, including the authority to require certain steps be taken or to require the Permit Holder to furnish any further information related to this Permit.

### **2.3 Information**

The receipt of any information by the Ministry, the failure of the Ministry to take any action or require any person to take any action in relation to the information, or the failure of a Provincial Officer to prosecute any person in relation to the information, shall not be construed as:

(a) an approval, waiver or justification by the Ministry of any act or omission of any person that contravenes this Permit or other legal requirement; or

(b) acceptance by the Ministry of the information's completeness or accuracy.

## 2.4 Rights of Action

The issuance of, and compliance with this Permit shall not be construed as precluding or limiting any legal claims or rights of action that any person, including the Crown in right of Ontario or any agency thereof, has or may have against the Permit Holder, its officers, employees, agents, and contractors.

## 2.5 Severability

The requirements of this Permit are severable. If any requirements of this Permit, or the application of any requirements of this Permit to any circumstance, is held invalid or unenforceable, the application of such requirements to other circumstances and the remainder of this Permit shall not be affected thereby.

## 2.6 Conflicts

Where there is a conflict between a provision of any submitted document referred to in this Permit, including its Schedules, and the conditions of this Permit, the conditions in this Permit shall take precedence.

## 3. Water Takings Authorized by This Permit

### 3.1 Expiry

This Permit expires on **November 30, 2024** . No water shall be taken under authority of this Permit after the expiry date .

### 3.2 Amounts of Taking Permitted

The Permit Holder shall only take water from the source, during the periods and at the rates and amounts of taking specified in Table A. Water takings are authorized only for the purposes specified in Table A.

**Table A**

	Source Name / Description:	Source: Type:	Taking Specific Purpose:	Taking Major Category:	Max. Taken per Minute (litres):	Max. Num. of Hrs Taken per Day:	Max. Taken per Day (litres):	Max. Num. of Days Taken per Year:	Zone/ Easting/ Northing:
1	Indian Brook	Stream	Other - Recreational	Recreational	100	8	50,001	60	17 544678 4932717
2	Intermittent Watercourse	Stream	Other - Recreational	Recreational	100	8	50,001	120	17 544550 4932892
						<b>Total Taking:</b>	100,002		

3.3 Notwithstanding Table A, no water shall be taken from Source 2 (Intermittent Watercourse) after the initial filling of the on-site ponds.

3.4 Notwithstanding Table A, this Permit limits the taking of water in Indian Brook for up to 5 percent of the instantaneous streamflow present on the day or days of taking. At no time shall the withdrawal rate exceed 5 percent of available streamflow at that location. Table A permitted taking rates may therefore have to be adjusted downward

to remain within this 5 percent maximum.

3.5 The Permit Holder shall use the established stream gauge and rating curve to limit the pumping rate to 5% of the flow from Source 1 (Indian Brook) at any time. The established rating curve shall be updated by a qualified person during the first year of operation under this Permit. A minimum of 4 additional points shall be added to the existing rating curve.

#### **4. Monitoring**

4.1 The Permit Holder shall maintain a record of all water takings. This record shall include the dates and times of water takings, and the total measured amounts of water pumped per day for each day that water is taken under the authorization of this Permit.

A separate record shall be maintained for each source. The Permit Holder shall keep all required records up to date and available at or near the site of the taking and shall produce the records immediately for inspection by a Provincial Officer upon his or her request. The total amounts of water pumped shall be measured using a flow meter, or other device as approved by the District Manager, Owen Sound District Office.

4.2 Any application submitted to the Ministry for renewal or amendment of this Permit shall be accompanied by all records required by the conditions of this Permit.

#### **5. Impacts of the Water Taking**

##### **5.1 Notification**

The Permit Holder shall immediately notify the local District Office of any complaint arising from the taking of water authorized under this Permit and shall report any action which has been taken or is proposed with regard to such complaint. The Permit Holder shall immediately notify the local District Office if the taking of water is observed to have any significant impact on the surrounding waters. After hours, calls shall be directed to the Ministry's Spills Action Centre at 1-800-268-6060.

##### **5.2 For Surface-Water Takings**

The taking of water (including the taking of water into storage and the subsequent or simultaneous withdrawal from storage) shall be carried out in such a manner that streamflow is not stopped and is not reduced to a rate that will cause interference with downstream uses of water or with the natural functions of the stream.

#### **6 . Director May Amend Permit**

The Director may amend this Permit by letter requiring the Permit Holder to suspend or reduce the taking to an amount or threshold specified by the Director in the letter. The suspension or reduction in taking shall be effective immediately and may be revoked at any time upon notification by the Director. This condition does not affect your right to appeal the suspension or reduction in taking to the Environmental Review Tribunal under the *Ontario Water Resources Act*, Section 100 (4) .

*The reasons for the imposition of these terms and conditions are as follows:*

1. Condition 1 is included to ensure that the conditions in this Permit are complied with and can be enforced.
2. Condition 2 is included to clarify the legal interpretation of aspects of this Permit.
3. Conditions 3 through 6 are included to protect the quality of the natural environment so as to safeguard the ecosystem and human health and foster efficient use and conservation of waters. These conditions allow for the beneficial use of waters while

ensuring the fair sharing, conservation and sustainable use of the waters of Ontario.  
The conditions also specify the water takings that are authorized by this Permit and the scope of this Permit.

*In accordance with Section 100 of the Ontario Water Resources Act, R.S.O. 1990, you may by written notice served upon me, the Environmental Review Tribunal and the Minister of the Environment, Conservation and Parks, within 15 days after receipt of this Notice, require a hearing by the Tribunal. The Minister of the Environment, Conservation and Parks will place notice of your appeal on the Environmental Registry. Section 101 of the Ontario Water Resources Act, as amended provides that the Notice requiring a hearing shall state:*

1. The portions of the Permit or each term or condition in the Permit in respect of which the hearing is required, and;
2. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

*In addition to these legal requirements, the Notice should also include:*

- a. The name of the appellant;
- b. The address of the appellant;
- c. The Permit to Take Water number;
- d. The date of the Permit to Take Water;
- e. The name of the Director;
- f. The municipality within which the works are located;

*This notice must be served upon:*

	AND		AND	
<i>The Secretary Environmental Review Tribunal 655 Bay Street, 15th Floor Toronto ON M5G 1E5 Fax: (416) 326-5370 <a href="mailto:ERTTribunalsecretary@ontario.ca">ERTTribunalsecretary@ontario.ca</a></i>		<i>The Minister of the Environment, Conservation and Parks 777 Bay Street, 5th Floor Toronto, Ontario M7J 2J3</i>		<i>The Director, Section 34.1, Ministry of the Environment, Conservation and Parks 733 Exeter Rd London ON N6E 1L3 Fax: (519) 873-5020</i>

**Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal:**

by Telephone at

by Fax at

by e-mail at

(416) 212-6349

(416) 326-5370

[www.ert.gov.on.ca](http://www.ert.gov.on.ca)

Toll Free 1(866) 448-2248

Toll Free 1(844) 213-3474

*This instrument is subject to Section 38 of the **Environmental Bill of Rights** that allows residents of Ontario to seek leave to appeal the decision on this instrument. Residents of Ontario may seek to appeal for 15 days from the date this decision is placed on the Environmental Registry. By accessing the Environmental Registry, you can determine when the leave to appeal period ends.*

Dated at London this 26th day of November, 2019.



Jason Lehouillier

Director, Section 34.1

Ontario Water Resources Act, R.S.O. 1990

#### **Schedule A**

This Schedule "A" forms part of Permit To Take Water 1066-BJAQXM, dated November 26, 2019.

Email Hurley to Munro dated November 21, 2019.