



**Oro Ridge Corp.
Water Taking Assessment**

Prepared for:
Oro Ridge Corp.

Prepared by:
Azimuth Environmental
Consulting, Inc.

September 14th 2012

AEC 12-158

September 14, 2012

AEC 12-158

Oro Ridge Corp
32 Ellsworth Ave
Richmond Hill, ON
L4C 9N8

Attention: Mr. Anthony Agueci

Re: **Oro Ridge Corp. Water Taking Assessment**

Dear Sir:

The following document is intended to support the proposed land use as a commercial water source. Water would be trucked from the site and industrial activities such as bottling would be conducted elsewhere. Currently, a proposal for water collection such that the daily taking would be less than 50,000L/day and therefore a Permit To Take Water is not required under Section 52 of the Ontario Water Resources Act. However, based on our initial assessment, the volume of water emanating from the springfield is significant, and can support a commercial operation. The water-taking is from a spring field located at a property formerly used as a commercial water supply on the south side of the Osprey-Blue Mountains Townline.

Yours truly,
AZIMUTH ENVIRONMENTAL CONSULTING, INC.

Mike Jones, M.Sc., P.Geo.
President



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1.0 INTRODUCTION

The following document provides an overview in support of commercial water use. The subject property is located at Lot 9, Concession 14 (Osprey the Blue Mountains Townline, just outside the Grey Highlands, and is legally described as Lot 9, in the Township of Grey Highlands, County of Grey (Figure 1).

The main property is approximately 196,440 m² in area, and consists of an upper tableland and a slight slope to the west. The taking of water under the authority of MOE addresses the withdrawal of natural spring surface water from the slope before it eventually enters the Black's Creek which eventually enters the Beaver River. Water would be taken to fill a storage reservoir which will then be taken to the bottling site. The purpose of this letter is to evaluate an allowable water withdrawal which will not exceed 50,000L/day conform to the current MOE standards.

Historically, the springs on-site leading into Black's Creek have served as the source of water for the Paradise Springs bottling company. Black's Creek flows west where it splits in a wetland region and enters Lake Eugenia to the southwest or channelizes and flows north towards Georgian Bay where it enters the Beaver River. Lake Eugenia is controlled by a man-made dam before it enters the Beaver River and also flows to Georgian Bay. This river is a constant source, with high flow volumes for much of the year. The river is fed by many other spring sources and tributaries that join it along the way. Some of these tributaries are major rivers in their own right. The Beaver River arises from Lake Eugenia and Boyne River as well as a number of other tributaries which branches within a series of wetlands east of the Beaver Valley Lowlands Management Area. The other portion of the spring field flows north-west to the Mill Creek near Red Wing before entering the Beaver River as well. The Beaver River flows northward through a mix of agricultural lands and wetlands. It flows through a few series of forests and swamps near Beaver Valley and spillways before eventually entering into Georgian Bay. There are hundreds of other springs and streams draining to the river as well.

Under the Ontario Water Resources Act, a Permit to Take Water is not required for a system that supplies 50,000 litres of water or less on at least eighty-eight days in every ninety-day period. Therefore, this proposed watertaking does not require a PTTW. However, the proponent intends to follow the intent of the PTTW process.

2.0 PERMITTED WATER USE

Currently no water collection for the site is occurring. Previous property owners held Permits To Take Water (02-P-1007 and 5432-6E3KBZ) which expired in 2004 and 2007



respectively and allowed a daily taking of 112,000L/day for commercial water bottling purposes. Existing passive water taking infrastructure exists from the previous owner and the records of the water taking permits are found in Appendix A and Appendix B. Water is passively collected from one of the many springfields on the property at a covered building with sand and concrete pad to allow for clean water to be pumped into a reservoir tank at the northern portion of the property. Water will then be transferred from the reservoir tank to a tanker truck that is used to transport water to the bottling site. This will occur on an as needed basis and a maximum of (49,000L/day) will occur.

Water from the springfield flows downslope through a forest shown in the appended map. The collection system captures some of the water from the many springfields. As part of the previous permitting process (appended), instantaneous flows from the spring were reported as 16.8L/sec (1986), 22.1L/sec (1995), and 22.1L/sec (2001). The maximum allowable water taking was limited to 10% of the lowest instantaneous flow volume, representing 145,000L/day. By comparison, the proposed undertaking will have a maximum daily taking of only 49,000L/day. The proposed maximum taking is 1.68L/second (or 100L/min). This is consistent with 10% of the previously measured instantaneous flow of this spring. At this rate, collection could occur for up to 8.1 hours/day without a permit.

The new ownership plans to re-activate the bottling production at a rate less than 50,000L/day.

The collection system in the spring field is considered the source. The collection system passively collects water. This amount of water being taken can be controlled manually, and the excess water will continue to flow into the Black Creek.

Spring water collected by the pipe system flows to a small pumphouse where it is then pumped to a storage tank. Water is periodically transferred from the storage tank to a tanker truck and taken to the bottling station offsite. Any excess water flows unrestricted to the streams.



Table 1: Proposed Water Allocation

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. Paradise Springs	Springfield	Bottling	Industrial	100	24	49,900	365	17 / 0546125/ 4914040
					Total:	49,900		

3.0 POTENTIAL IMPACTS ON ENVIRONMENTAL FEATURES

3.1 Ground Water

The future water taking is a surface water source, although it is a passive collection system just below the ground surface in an area of ground water discharge. The collection system consists of a concrete pad on top of one of the many spring fields on the property where water comes to the ground surface. The collection pipes are connected to header pipes that direct flow to transfer tank in a small pump house. A transfer pump moves the water from the transfer tank to the storage tank, located approximately 250m to the north of the pump house.

The collection area is located in a mix of organic and sandy soils that form a slope at the base of the Niagara Escarpment. The source of the water is likely a buried conductive bedding plane fracture network of the escarpment that discharges water into the overburden or cascading water within the overburden. The overburden then transmits the water to the ground water discharge zones. The site is shown to have bedrock consisting of the Amabel Formation which is a grey or blue-grey dolostone.

Overburden soils at the site are classified as the Osprey Loam (Soil Map of Grey County) and have a dolomitic limestone till origin. The overburden is thin (<15m) and the bedrock outcrops just to the north of the property. There is also a Muck overburden soil which has poor drainage, and consists of well decomposed organic material overlying till, sand or lacustrine materials.

Potential change to the ground water regime would relate to the creation of drawdown and the extension of the drawdown zone back into the escarpment face. Since the taking is passive, the maximum drawdown is the cumulative drawdown at surface, which cannot theoretically exceed the wetted depth of burial of the concrete collection system. The wetted depth of burial is less than a meter, so the theoretical maximum drawdown at the collection area is 0.25-0.50m. The actual drawdown is less since the collection system is



taking the pooled water at surface, and a potential drawdown of this magnitude will not extend from the collection pool.

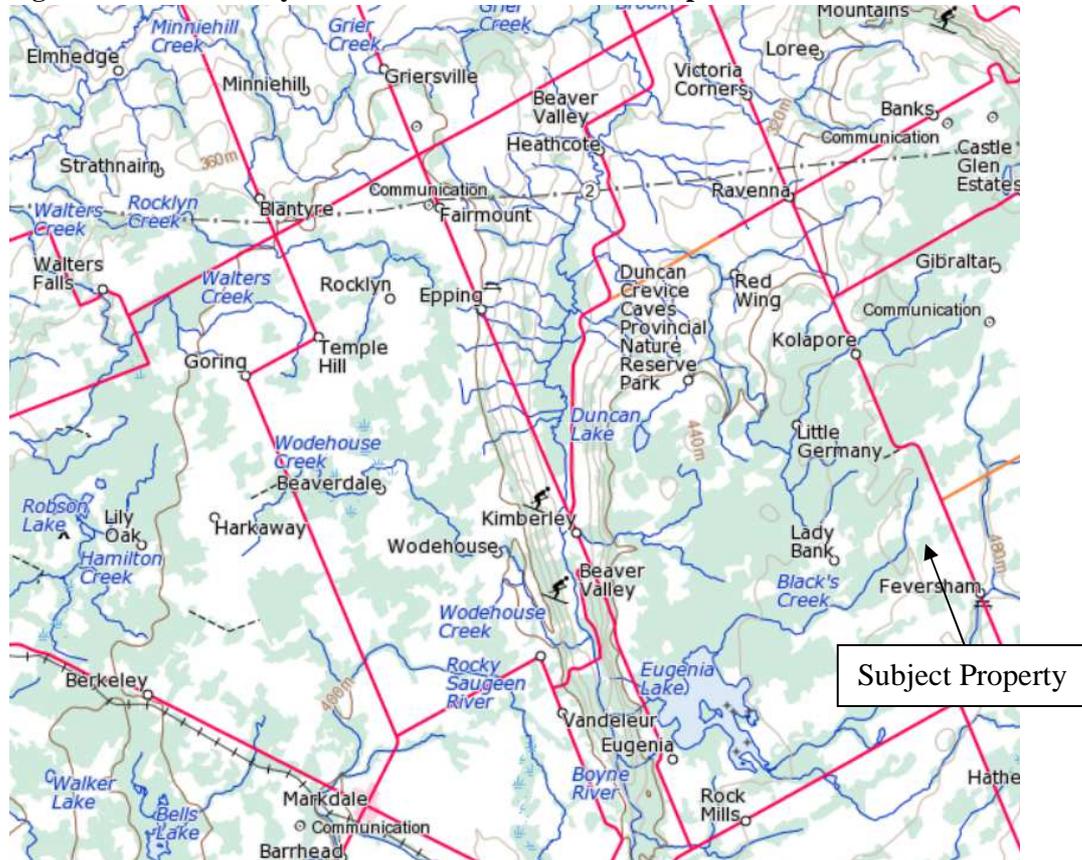
Azimuth staff conducted a site visit on September 28th, 2012. The springfields were inspected and flows were taken from two of the many spring fields. The southern spring (Source #2 in Figure 2) with the concrete pool and structure was measured to have a flow of 1.6L/s or 135,000L/day. To the north; (Source #1) has two springs with concrete pools that have cumulative flows of 12.2L/s or 1,056,000L/day. Both of these “source” locations join other flows on the property to the west; along with many of the other springs on the property. The other spring flows, particularly two larger areas near Source #2 and one area near Source #1, are estimated to have combined flows equal or greater than the controlled springs, such that the total springflow through the property is estimated to be more than 2 million litres per day under dry, baseflow conditions.

3.2 Surface Water

Water from the springfield flows into a stream which is named Black’s Creek and shown in the Figure 3 below. Since the water-taking is at the surface, water from the springfield flows as surface water on the property and this represents a surface water taking rather than a groundwater taking. Black’s Creek flows southwest which enters into Eugenia Lake. Eugenia Lake is a 5,600,000m³ reservoir controlled by a man made dam. The Eugenia Lake drains into the Beaver River. The spring water also flows westerly from the property towards Lady Bank to Mill Creek, which flows north-west to also eventually enter the Beaver River. Potential impacts to the surface water regime are best evaluated as if the taking was directly from surface water. The net impacts are considered as if the taking reduced the stream flow by the corresponding amount.



Figure 3. Beaver Valley Watershed and Tributaries Map.



Natural Resources Canada, Atlas of Canada. (2010)

A Permit To Take Water typically stipulates that the water withdrawal 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 river. A Category 2 permit requires that the volume be less than 5% of the 7Q20, a flow statistic that represents the lowest 7 day flow in a 20 year period. Thus, the volume is considered to be below the threshold whereby environmental impact could occur. Historical permits allowed taking of up to 10% of the instantaneous flow.

The area of the watershed contributing to the Beaver River is 152,509 acres stretching south of the water taking site and represents a very small fraction of the total contributing water.

Environment Canada flow volumes were assessed from the Beaver River near Vandeleur site # (02FB013). This monitoring location is just downstream of the Lake Eugenia dam



and shows in the last two years an average discharge of $3.68\text{m}^3/\text{s}$ ($3680\text{L}/\text{s}$). The minimum flow recorded was $0.613\text{m}^3/\text{s}$ ($613\text{L}/\text{s}$). The $1.68\text{L}/\text{s}$ withdraw rate would only be for a few hours daily (up to 8 hours) to a maximum of $49,900\text{L}/\text{day}$ and represent a small fraction of the flow. The other direction in which the water from the subject spring flows is west and then north bypassing Lake Eugenia and entering the Beaver River. Flows of the Mill Creek near Red Wing are monitored by Environment Canada as well at station code (02FB012) between 2006-2011 average flows of $1.84\text{m}^3/\text{s}$. Additionally, of the available data the absolute lowest flow was recorded in August 2006 at $0.025\text{m}^3/\text{s}$ or $25\text{L}/\text{s}$. Compared to the proposed peak day taking of $0.58\text{L}/\text{s}$ (peak instantaneous rate of $1.68\text{L}/\text{s}$), the proposed taking is a negligible quantity within the watershed.

Based on the estimated baseflow of 2million L/day from the property itself, the proposed taking represents approximately 2.5% of the baseflow. While flow statistics are not available for the springfield, baseflow is expected to be near or at lowest flow, so that the proposed taking meets the intent of protecting springflow to the watershed.

4.0 SUMMARY

The water taking plans would involve diligent monitoring requirements to document the use at the facility and the understanding of the potential effect (if any) that operation may have upon the local environment.

Ongoing daily flow monitoring will be done to ensure less than 5% of the 7Q20 of the instantaneous flow volume is being withdrawn. This data will be collected using an automated transducer and establishing a rating curve.

The results of monitoring in the three years shown in the 02-P-1007 have indicated that the water flows of the spring are all greater than $16.8\text{L}/\text{sec}$ but likely all influenced by seasonal fluctuations. Based on the instantaneous flows measured by Azimuth staff on September 28th, the amount of water leaving the property from the developed springs is in excess of $\sim 25\text{L}/\text{sec}$. It is in our opinion that a daily 8hr water taking of $1.68\text{L}/\text{s}$ represents a small fraction of the actual water leaving the springfields on the subject property and is sustainable. A number of other significant spring sources come to surface on the property in wooded areas and meet with the Source#1 and Source #2 springs measured, down gradient. Daily flow volumes will be recorded automatically and manual flow measurements will be taken monthly to confirm and assess the recorded data to establish a historical baseline for the subject property.



The pumping of water from the Beaver River watershed for the purpose of bottling water will occur within compliance under Section 52 of the Ontario Water Resources Act and remain less than 50,000L/day at this time.

5.0 REFERENCES

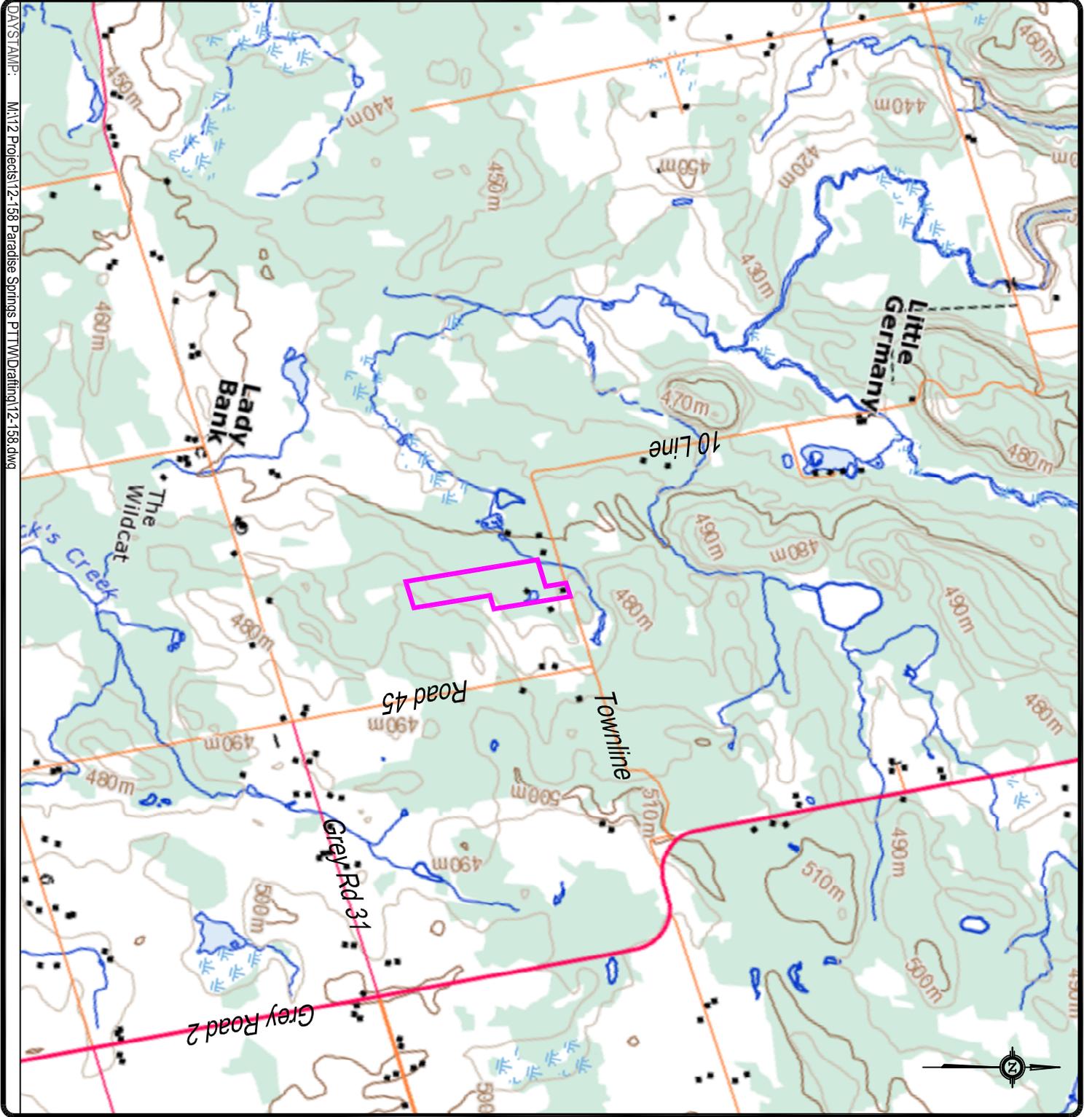
Soil Survey of Grey County, Report No. 17 of Ontario Soil Survey. Experimental Farms Service, Canada Department of Agriculture & Ontario Agricultural College.

Natural Resources Canada, Atlas of Canada. (2010)

<http://atlas.nrcan.gc.ca/site/index.html>

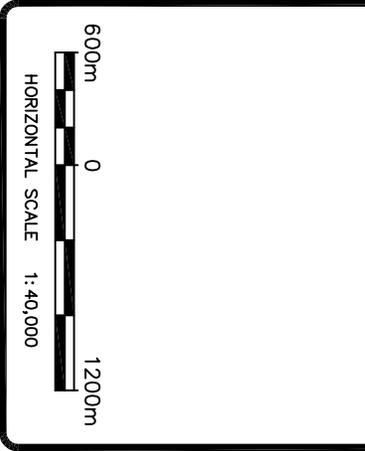
Ontario Geological Survey. (1991) Bedrock geology of Ontario, southern sheet; Ontario Geological Survey.

Paleozoic Geology, Collingwood – Nottawasaga Area. Southern Ontario Map P.954, Ontario Division of Mines. (1974)



DATA/TAMP: M:\12 Projects\12-158 Paradise Springs PTTW\Drafting\12-158.dwg

Study Area Location	
Paradise Springs PTTW	
Blue Mountains, ON	
DATE ISSUED: September 2012	Figure No.
CREATED BY: JLM	1
PROJECT NO.: 12-158	
REFERENCE: Gazetteer Maps	

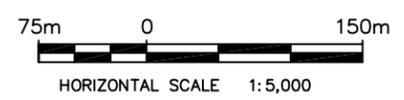


LEGEND:

- Approx. Property Boundary



LEGEND:
 — Approx. Property Boundary
 ○ Springfield Locations



AZIMUTH ENVIRONMENTAL CONSULTING, INC.

Site Layout

Oro Ridge Spring Assessment
 Blue Mountains, ON

DATE ISSUED:	September 2012	Figure No.
CREATED BY:	JLM	2
PROJECT NO.:	12-158	
REFERENCE:	First Base Solutions	

Plotted by: MCCARTNEY on October 16, 2012 at 2:22pm
 File: M:\12 Projects\12-158 Paradise Springs PTTW\Drafting\12-158.dwg Layout: Figure 2 PlotScale: 0.5

DAYSTAMP: M:\12 Projects\12-158 Paradise Springs PTTW\Drafting\12-158.dwg



APPENDICES

Appendix A: Permit To Take Water 02-P-1007

Appendix B: Permit To Take Water 5432-6E3KB2



APPENDIX A

Permit To Take Water 02-P-1007

Ministry
of the
Environment

733 Exeter Road
London ON N6E 1L3
Tel (519) 873-5000
1-800-265-7672
Fax (519) 873-5020

Ministère
de
l'Environnement

733, chemin Exeter
London ON N6E 1L3
Tél (519) 873-5000
1-800-265-7672
Télééc (519) 873-5020



November 1, 2002

Paradise Springs Inc.
85 West Wilmot St.,
Unit 10
Richmond Hill ON
L4B 1K7

Dear Mr. Aditya:

**RE: Permit To Take Water - 02-P-1007
Lot 9 , Concession 14
Municipality of Grey Highlands (formerly Osprey Twp.)
County of Grey**

Please find attached Permit No. 02-P-1007 issued to Paradise Springs Inc. which authorizes the withdrawal of water in accordance with the application for this Permit to Take Water, Schedule "A" and Schedule "B" which are attached to and form part of this Permit.

This Permit expires December 15, 2004 and shall be kept available at all times for inspection by Ontario Ministry of Environment staff.

Take notice that in issuing this Permit to Take Water, terms and conditions pertaining to the taking of water and to the results of the taking have been imposed. The terms and conditions have been designed to allow for the development of water resources, while providing reasonable protection to existing water uses and users.

This Ministry's primary interest is to ensure that the taking of water under the authority of these Permits do not cause serious interferences with other water uses and users (including the natural functions of the stream). These Permits allow you to take the lesser of; the requested amount or 10% of the instantaneous streamflow at the time and point of taking. It is highly likely that you will have to reduce your taking rates so that you do not exceed the 10% of the instantaneous streamflow present at any given time. As streamflow decreases, your rate of taking must also be decreased. We would also suggest that you do not take from multiple locations from the same stream at the same time. If this does not meet your water needs, we would suggest you consider constructing off stream storage to meet those needs.

Any change of address or ownership of the property for which this Permit is issued must be reported promptly to the Director.

It is the responsibility of Paradise Springs Inc. to ensure that any person taking water under the authority of this Permit is familiar with and complies with the terms and conditions.

This permit does not exempt the Permit Holder from the requirements of other legislation, such as the Lakes and Rivers Improvement Act and the Fisheries Act. The Permit Holder is advised to consult with the local offices of the Department of Fisheries and Oceans, the Ministry of Natural Resources, the Ministry of Agriculture, Food and Rural Affairs and the Niagara Escarpment Commission as well as the local Conservation Authority to determine their requirements.

Yours truly,



B. Hawkins
Director, Section 34
Ontario Water Resources Act

CC: *Owen Sound District Office*
SWR PTTW file

Notice of Terms and Conditions
Section 100, Ontario Water Resources Act, R.S.O. 1990

Pursuant to Section 34 of the Ontario Water Resources Act, R.S.O. 1990 permission is hereby granted to:

Paradise Springs Inc.
85 West Wilmot St.,
Unit 10
Richmond Hill ON
L4B 1K7

for the taking of water in accordance with:

The application for this Permit to Take Water, and Schedule "A" and Schedule "B", which are attached to and form part of this Permit.

Located: **Lot 9, Concession 14**
Municipality of Grey Highlands
County of Grey

For the purposes of: **Commercial -Bottled Water**

Subject to the following terms and conditions:

DEFINITIONS

1. (a) "Director" means a Director, Section 34, Ontario Water Resources Act, R.S.O. 1990.
- (b) "Ministry" means Ontario Ministry of Environment.
- (c) "Permit" means this Permit to Take Water No. 02-P-1007 including its schedules, if any, issued in accordance with Section 34 of the Ontario Water Resources Act, R.S.O. 1990.
- (d) "Permit Holder" means Paradise Springs Inc.

GENERAL CONDITIONS

- . This Permit shall be kept available for inspection by Ministry staff.
3. The Director may, from time to time, where a situation of interference or anticipated interference with water supplies exists, or in a situation requiring information on water takings for purposes of water resource inventory and planning, give written notice to the Permit Holder to undertake any of the following actions. The Permit Holder shall comply with any such notice:
 - (a) To establish and maintain a system for the measurement of the quantities of water taken;
 - (b) To operate such a system and to record measurements of the quantities of water taken on forms provided by the Director, with such frequency or for such time periods as the Director may specify;
 - (c) To return to the Director records made pursuant to clause 3(b) at such times or with such frequency as the Director may specify; and
 - (d) To keep records made pursuant to clause 3(b) available for inspection until such time as they are returned to the Director pursuant to clause 3(c).
4. The Permit Holder shall immediately notify the Director 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.
5. 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. For Ground-Water Takings, if the taking of water is forecast to cause any negative impact, or is observed to cause any negative impact to other water supplies obtained from any adequate sources that were in use prior to initial issuance of a permit for this water taking, the Permit Holder shall take such action necessary

- to make available to those affected a supply of water equivalent in quantity and quality to their normal takings, or shall compensate such persons for their reasonable costs of so doing, or shall reduce the rate and amount of taking to prevent the forecast negative impact or alleviate the observed negative impact. Pending permanent restoration of the affected supplies, the Permit Holder shall provide, to those affected, temporary water supplies adequate to meet their normal requirements, or shall compensate such persons for their reasonable costs of so doing.
7. The Permit Holder shall report to the Director any changes of address or telephone number, or change of ownership of the property for which this Permit is issued and shall report to the Director any changes in the general conditions of water taking from those described in the permit application within thirty days of any such change. The Permit Holder shall not assign his rights under this Permit to another person without the written consent of the Director.
 8. This Permit does not release the Permit Holder from any legal liability or obligation and remains in force subject to all limitations, requirements, and liabilities imposed by law. 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.
 9. The Permit Holder must forthwith, upon presentation of credentials, permit Ministry personnel, or a Ministry authorized representative(s) to carry out any and all inspections authorized by Section 15, 16 or 17 of the Ontario Water Resources Act, R.S.O. 1990, Section 156, 157 or 158 of the Environmental Protection Act, R.S.O. 1990 or Section 19 or 20 of the Pesticides Act, R.S.O. 1990.
 10. The construction of any obstruction to the natural flow of the watercourse is prohibited without authorization by the District Offices of the Ministry of Environment and the Ministry of Natural Resources as well as authorization by the local Conservation Authority.
 11. The Director may, during times of drought or water shortage in the locality of the taking, give notice to the Permit Holder to suspend or reduce the taking to an amount or threshold specified

by the Director. 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 notice to the Environmental Review Tribunal under the Ontario Water Resources Act, Section 100(3).

12. The permit does not abrogate the Permit Holder's responsibility to comply with all applicable legislation, including O. Reg. 285/99, which provides, among other things, that no person shall use water by transferring it out of a water basin (as defined in the Regulation) in a container having a volume greater than 20 litres. The Regulation divides Ontario into three water basins, being the Great Lakes-St. Lawrence, the Nelson and Hudson Bay Basins.

SPECIAL CONDITIONS

13. This Permit expires December 15, 2004.
14. This Permit only allows for the taking of water from Paradise Spring One for up to **10 percent** of the instantaneous streamflow present on the day or days of taking. At no time shall the withdrawal rate exceed 10 percent of available streamflow at that location. Requested taking rates may therefore have to be adjusted downward to remain within this 10 percent maximum.
15. The Permit Holder shall install and operate continuous flow monitoring equipment immediately downstream of Paradise Spring One.
16. The Permit Holder shall install a totalizing flow meter in such a manner to measure the amount of water pumped from Paradise Spring One. The meter reading shall be recorded once per day.
17. The Permit Holder shall install a totalizing flow meter which will measure pumpage to tanker transports. The meter reading shall be recorded once per day.
18. The Permit Holder shall submit a monitoring report using all data developed from these Special Conditions when submitting an application for renewal.

Schedule "A"

This Schedule "A" forms part of Permit to Take Water 02-P-1007.

Source	1
Source Name or Description	Paradise Spring One
Maximum Amount Taken per Minute (Litres/Minute)	78
Maximum Amount Taken per Day (Litres/Day)	112,320
Maximum Number of Hours of Taking per Day	24
Average Number of Hours of Taking per Day	24
Maximum Number of Days of Taking per Year	365

Schedule "B"

This Schedule "B" forms part of Permit to Take Water 02-P-1007.

- (1) Application for Permit to Take Water dated January 14, 2002 and signed by Gora Aditya, CEO Paradise Springs Ltd..
- (2) Raw water Quality Analysis by Hidell-Eyster International, Dec. 2001.
- (3) Hydrogeological Report by Morrison Beatty, February 1986.

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 Environmental Commissioner, Environmental Bill of Rights, R.S.O. 1993, Chapter 28, within 15 days after receipt of this Notice, require a hearing by the Tribunal. The Environmental Commissioner 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 approval 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:

- 3. The name of the appellant;*
- 4. The address of the appellant;*
- 5. The Permit to Take Water number;*
- 6. The date of the Permit to Take Water;*
- 7. The name of the Director;*
- 8. The municipality within which the Works is located;*

And the Notice should be signed and dated by the appellant.

This Notice must be served upon:

*The Secretary,
Environmental Review Tribunal,
2300 Yonge Street, 12th Floor
Toronto, Ontario
M4P 1E4*

AND

*Director
Section 34
Ontario Water Resources Act, RSO 1990,
Ministry of Environment
733 Exeter Road
London, Ontario
N6E 1L3*

AND

*The Environmental Commissioner
1075 Bay Street
Suite 605
6th Floor
Toronto, Ontario
M5S 2W5*

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

by telephone at (416) 314-4600 by fax at (416) 314-4506 or by e-mail at www.ert.gov.on.ca

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 1 day of November 2002.



B. Hawkins
Director,
Section 34,
Ontario Water Resources Act





APPENDIX B

Permit To Take Water 5432-6E3KB2

file

Ministry of the Environment

Southwestern Region
Technical Support Section
Water Resources
733 Exeter Rd
London ON N6E 1L3
Fax: (519)873-5020
Telephone: (519) 873-5048

Ministère de l'Environnement

Direction régionale du Sud-Ouest
Section du Soutien Technique
Ressource en eau
733 Exeter Rd
London ON N6E 1L3
Télécopieur: (519)873-5020
Téléphone : (519) 873-5048



September 9, 2005

Paradise Springs Inc.
10 - 85 West Wilmot St.,
Richmond Hill, Ontario, L4B 1K7

RE: Permit Number 5432-6E3KBZ
Lot: 9, Concession: 14
Grey Highlands, County of Grey
Reference Number 0213-68SMKU

Dear Mr. Champsee:

Please find attached a Permit to Take Water which authorizes the withdrawal of water in accordance with the application for this Permit to Take Water, dated December 14, 2004 and signed by Mac Champsee.

Take notice that in issuing this Permit to Take Water, terms and conditions pertaining to the taking of water and to the results of the taking have been imposed. The terms and conditions have been designed to allow for the development of water resources, while providing reasonable protection to existing water uses and users. insert clause here

Yours truly,

A handwritten signature in black ink, appearing to read "S. Abernethy".

Scott Abernethy
Supervisor
Southwestern Region

File Storage Number: SIGRGHC14.220



Ministry of the
Environment
Ministère de
l'Environnement

PERMIT TO TAKE WATER
Surface Water
NUMBER 5432-6E3KBZ

Pursuant to Section 34 of the Ontario Water Resources Act, R.S.O. 1990 this Permit To Take Water is hereby issued to:

Paradise Springs Inc.
10 - 85 West Wilmot St.,
Richmond Hill, Ontario, L4B 1K7
Canada

For the water taking from: Paradise Spring 1 as identified in Section J. of the Dec 14, 2004 application

Located at: Lot 9, Concession 14
Grey Highlands, 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, 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.
- (d) "District Office" means the Owen Sound District Office.
- (e) "Permit" means this Permit to Take Water No. 5432-6E3KBZ including its Schedules, if any, issued in accordance with Section 34 of the OWRA.
- (f) "Permit Holder" means Paradise Springs 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 December 14, 2004 and signed by Mac Champsee, 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 the authority of the Director or a Provincial Officer 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 **September 1, 2007**. 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. Paradise Spring One	Stream	Bottled Water	Commercial	78.00	24.00	112320.00	365.00	17 546209 4914118
						Total Taking:	112320.00	

3.1 Notwithstanding Table A, this Permit limits the taking of water at the specified locations for up to 10 percent of the instantaneous streamflow present on the day or days of taking. At no time shall the withdrawal rate exceed 10 percent of available streamflow at that location. Table A permitted taking rates may therefore have to be adjusted downward to remain within this 10 percent maximum.

4. Monitoring

4.1 The Permit Holder shall install and maintain a totalizing flow meter in such a manner as to measure the amount of water pumped from Paradise Spring one. 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. 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.

4.2 The Permit Holder shall install and operate continuous flow monitoring equipment immediately downstream of Paradise Spring One. Daily lowest flow shall be recorded and available for inspection as per Condition 4.1 above.

4.3 The Permit Holder shall determine streamflow from the continuous flow meter prior to pumping, and calculate the allotted taking as per table A or Condition 3.1. The adjusted pump rate and streamflow shall be recorded and available for inspection as per Condition 4.1 above.

4.4 The Permit Holder shall submit to the Ministry a monitoring report prepared by a qualified engineering firm demonstrating competence and compliance of conditions 3.1, 4.1, 4.2 and 4.3 above. This report shall be due upon expiry of this Permit.

4.5 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 (3).

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 Environmental Commissioner, **Environmental Bill of Rights**, R.S.O. 1993, Chapter 28, within 15 days after receipt of this Notice, require a hearing by the Tribunal. The Environmental Commissioner 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:

3. The name of the appellant;
4. The address of the appellant;
5. The Permit to Take Water number;
6. The date of the Permit to Take Water;
7. The name of the Director;
8. The municipality within which the works are located;

And the Notice should be signed and dated by the appellant.

This notice must be served upon:

*The Secretary
Environmental Review Tribunal
2300 Yonge Street, 12th Floor
Toronto, Ontario M4P 1E4*

AND

*The Environmental Commissioner
1075 Bay Street
6th Floor, Suite 605
Toronto, Ontario M5S 2W5*

AND

*The Director, Section 34
Ontario Water Resources Act,
RSO 1990,
Ministry of Environment
733 Exeter Rd
London ON N6E 1L3
Fax: (519)873-5020*

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

by telephone at (416) 314-4600

by fax at (416) 314-4506

by e-mail at www.ert.gov.on.ca

*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 9th day of September, 2005.



Scott Abernethy
Director, Section 34
Ontario Water Resources Act, R.S.O. 1990

This is a **TRUE COPY** of
the Original Mailed On
9/19/05 By RP

Schedule A

This Schedule "A" forms part of Permit To Take Water 5432-6E3KBZ, dated September 9, 2005.