

PERMIT TO TAKE WATER
Ground Water
NUMBER 0200-BBYKEL

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

Diamond in the Ruff Enterprises Inc.
1137 Old Parry Sound Rd
Muskoka Lakes, Ontario, P0B 1M0
Canada

For the water taking from: Nutt Lake, TW3, TW4, TW5

Located at: Lot 26, Concession A, Geographic Township of Watt
Muskoka Lakes, District Municipality of Muskoka

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 Barrie District Office.
- (e) "Permit" means this Permit to Take Water No. 0200-BBYKEL including its Schedules, if any, issued in accordance with Section 34.1 of the OWRA.
- (f) "Permit Holder" means Diamond in the Ruff Enterprises 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 April 8, 2019 and signed by William Pugliese, 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 **March 31, 2021**. 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	Nutt Lake	Lake	Golf Course Irrigation	Commercial	1,600	24	768,000	175	17 621641 5007743
2	TW3	Well Drilled	Golf Course Irrigation	Commercial	272	24	391,680	175	17 621287 5007934
3	TW4	Well Drilled	Golf Course Irrigation	Commercial	272	24	391,680	175	17 621302 5007911
4	TW5	Well Drilled	Golf Course Irrigation	Commercial	159	24	228,960	175	17 621354 5007847
							Total Taking:	768,000	

Note: The irrigation pump can be adjusted so that water can only be taken from the wells (listed as Source 2, 3 and 4), or combined from the wells and Nutt Lake (Source 1). Water may be pumped exclusively from Nutt Lake only for the purpose of flood control.

3.3 The Permit Holder shall implement the proposed monitoring program of Nutt Lake according to **Item 3 of Schedule A** of this Permit within a month after this permit is issued. A monitoring point shall be established at the wet well and its elevation shall be referenced by an Ontario Land Surveyor from the the nearby geodetic bench mark at elevation **303.76 m asl**.

3.4 No water taking shall be taken from Nutt Lake when the lake level is below elevation **301.41 m asl**. Lake Level shall be determined according to **Item 3 of Schedule A** of this Permit.

3.5 The Permit Holder shall provide a letter (email) to the Signing Director to confirm the completion of work described in **Condition 3.3** within a month after the Permit is issued.

4. Monitoring

4.1 The Permit Holder shall maintain flow meters on each of the three production wells (TW3 TW4 & TW5) and the wet well outlet to the irrigation system. A separate daily log of water takings shall be maintained for each meter installation with water takings from Nutt Lake determined by the calculated difference between the combined well input and the meter reading on the wet well output. All records shall be up to date and available for inspection by a Provincial Officer upon his or her request with submission annually to the ministry's Water Taking Reporting System.

4.2 The Permit Holder shall continue to operate and maintain a water level recorder in TW 1 or a site well in that vicinity of comparable depth. Data collected shall be available electronically to Ministry of the Environment staff at any time upon request. **Data logger shall be downloaded**

on a monthly basis during the irrigation season.

- 4.3 Throughout each irrigation season, the Permit Holder shall check water levels in Nutt Lake and maintain a daily log of water level from the Lake as referenced in Condition 3.3.
- 4.4 Any application for an amendment or a renewal of this Permit shall be accompanied by a report prepared by a Qualified Person (P. Geo. or equivalent). The report shall include, but not necessarily be limited to, the following: (1) the information generated by the conditions of this Permit; (2) an analysis and assessment of the information collected; (3) an evaluation of the adequacy of the monitoring program; and (4) any recommendations concerning changes to the conditions of the 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 Groundwater Takings

If the taking of water 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 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 doing so.

If permanent interference is caused by the water taking, the Permit Holder shall restore the water supplies of those permanently affected.

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 and the Environmental Review Tribunal within 15 days after receipt of this Notice, require a hearing by the Tribunal. Section 101 of the Ontario Water Resources Act, R.S.O. 1990, as amended, provides that the Notice requiring the 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:

*The Secretary
Environmental Review Tribunal
655 Bay Street, 15th Floor
Toronto ON
M5G 1E5
Fax: (416) 326-5370
Email: ERTTribunalsecretary@ontario.ca*

AND

*The Director, Section 34.1,
Ministry of the Environment, Conservation
and Parks
8th Floor
5775 Yonge St
Toronto ON M2M 4J1
Fax: (416) 325-6347*

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

by Telephone at
(416) 212-6349
Toll Free 1(866) 448-2248

by Fax at
(416) 326-5370
Toll Free 1(844) 213-3474

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

Dated at Toronto this 9th day of July, 2019.



Ellen Klupfel
Director, Section 34.1
Ontario Water Resources Act , R.S.O. 1990

Schedule A

This Schedule "A" forms part of Permit To Take Water 0200-BBYKEL, dated July 9, 2019.

1. Application for a Permit to Take Water, signed by William Pugliese and dated April 8, 2019.
2. AECOM Canada Ltd., Diamond in the Ruff Enterprises Inc., OWRA, Section 34, Permit to Take Water Renewal (#8752-9KQNFA), Diamond 'in the Ruff' Golf Club (Utterson, ON), Date April 2018. Project # 60321862. Report prepared, signed and stamped by Jason A. Murchison, P.Geo., QP(ESA O.Reg.153), Report reviewed and signed by Matthew Alexander, M.Sc.
3. Email from Jason A. Murchison: RE: PTTW Application -Diamond 'in the Ruff' Golf Club, 60321862_DITR GC_Monitoring Program Implementation Summary_FINAL_2019-06-24, email dated June 24, 2019 and signed by Jason Murchison.