

Approved and ordered this 29th day of September, A.D. 1964.

Lieutenant-Governor

At the Executive Council Chamber, Victoria,

PRESENT:

The Honourable

in the Chair.

Mr. Martin
 Mr. Brothers
 Mr. Black
 Mr. Bonner
 Mr. Williston
 Mr. Richter
 Mr. Peterson
 Mr. Loffmark
 Mr. Chant
 Mr. Kiernan
 Mr.

To His Honour Lieutenant-Governor
 The Administrator in Council:

*CRAG and replaced
 9/6 535/67*

The undersigned has the honour to recommend that, pursuant to subsection (5) of Section 12 of the "Mineral Act", Chapter 244, Revised Statutes of British Columbia, 1960, as amended by Chapter 39, Statutes of British Columbia, 1961, and Chapter 39, Statutes of British Columbia, 1962, and Section 11 of the "Placer-Mining Act", Chapter 285, Revised Statutes of British Columbia, 1960, no person may locate or mine upon the following described area in the Nelson Mining Division for any mineral therein:-

All land lying below the 1,850 foot contour of elevation on the left bank of the Kootenay River from the easterly prolongation of the northerly boundary of Lot 7068, Kootenay District, to the southerly boundary of Lot 396, Kootenay District, and the easterly prolongation thereof.

except in accordance with and subject to the following terms and conditions:-


- (1) That any free miner who locates a placer claim or mineral claim and obtains a record thereof or who obtains a placer lease or a mineral lease shall do so at his own risk and shall not interfere or allow any person exploring, developing, mining, or working in any way the said claim or leasehold to obstruct or to interfere in any manner with the exercise of any right, whether existing or subsequently granted, of any other person to flood, or to occupy for any purpose connected with the development of hydro-electric power, the area reserved, or to construct, operate and maintain any work done or structure erected for any of the foregoing purposes and the free miner shall not be entitled to compensation for any damage which may be done to his mining operation, plant or equipment by the aforesaid exercise of any right whether existing or subsequently granted:
- (2) No free miner shall carry on any mining operation within fifteen hundred feet of any dam, conduit, water tunnel, spillway or power plant, or within five hundred feet of any transmission line or any other work or structure which may be erected in the area reserved except with the permission of the Chief Inspector of Mines:
- (3) A person including the Crown or its agent, who builds or proposes to build a dam, conduit, water tunnel, or power plant, or transmission line, or any ways, works, or structures in the area reserved shall not interfere with or dislocate or obstruct any existing mining operation, plant, or equipment without:

- (a) Inserting an advertisement of such intention in one issue of the British Columbia Gazette and in one issue of a newspaper circulating in the district in which the reserved areas are situated, not less than thirty days nor more than ninety days before the actual start of the work or operation which will result in such interference, dislocation or obstruction takes place: and
- (b) Giving at least ninety days notice in writing to the owner or holder of a mineral claim, lease or placer-mining claim, as the case may be, or his representative, which notice shall be deemed to have been sufficiently given if it is mailed to the address noted upon the last tax notice issued in respect of a Crown-granted mineral claim or noted in the most recent relevant record of the Gold Commissioner, and any notice so given shall be deemed to have been received when, in the ordinary course of mail, it should have been delivered. No notice under this term or condition need be delivered to a free miner or lessee, or his representative, who records a placer claim or a mineral claim or applies for a mineral lease or files a notice of intention to apply for a placer-mining lease after the insertion of the advertisements required by paragraph (3) (a) above:
- (4) The benefit of the conditions set forth in this order inures to the Crown and its agents, to persons contracting with the Crown with respect to the development of the areas reserved and to licencees under the "Water Act":
- (5) The free miner shall before making application to record a placer claim or a mineral claim or before making application for a mineral lease or filing a notice of intention to apply for a placer lease, execute and deliver to the Gold Commissioner a release, in quadruplicate, in favour of Her Majesty in the right of Her Province of British Columbia, and licencees, assignees, agents and servants, from any cause of action, claim, demand or action, which he may at any time have or allege as the result of any exploration, development, mining or working of any area which may be included in a placer claim, a mineral claim, a placer lease or a mineral lease or as the result of occupation of any land for any purpose connected with the development of hydro-electric power or as the result of any structure, operation, or maintenance of any work done or structure erected for any of the purposes set forth in paragraph (1).

DATED THIS

28th

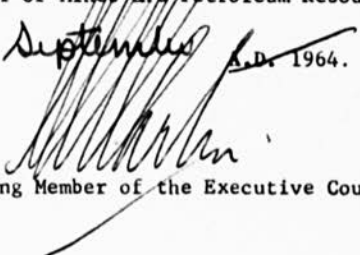
DAY OF September A.D. 1964.


 Minister of Mines and Petroleum Resources.

APPROVED THIS

28th

DAY OF September A.D. 1964.


 Presiding Member of the Executive Council.

KBB/ef

MEMO

DEPARTMENT OF MINES AND PETROLEUM RESOURCES

Recommending a reserve in the Nelson Mining Division
requested by the B. C. Hydro and Power Authority,
to permit mining and prospecting but with no claim
for damages due to flooding.

