



The Mining and Lands Commissioner Le Commissaire aux mines et aux terres

File No. MA 014-96

L. Kamerman)
Mining and Lands Commissioner)

Thursday, the 20th day
of February, 1997.

THE MINING ACT

IN THE MATTER OF

Mining Lease Patent 178835, being all those Parcels or Tracts of land and land under water in the Township of Balmer, now in the Township of Golden, in the District of Kenora (Patricia Portion), containing by admeasurement 360.89 acres, more or less, and being designated as Parts One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9) and Ten (10) as shown on a Plan of Survey of record in the Land Registry Office for the District of Kenora at Kenora, as Plan 23R-6303, comprising Mining Claims KRL-368480 to 368483, both inclusive, 368485 to 368488, both inclusive, 390171 and 390172, ("Mining Lease Patent 178835");

AND IN THE MATTER OF

Easement rights for the construction of a surface water drainage ditch pursuant to clause 175(1)(a) of the Mining Act over parts of Mining Lease Patent 178835 more particularly described as Parts 1 and 2 Plan 23R-9669 being part of Parcel 931 in the District of Kenora (Patricia Portion) in the Township of Balmer (now in the Township of Golden) Surface Rights Only;

AND IN THE MATTER OF

The Red Lake Mine Division tailings facility, located on lands adjacent to Mining Lease Patent 178835.

B E T W E E N:

GOLDCORP INC.

Applicant

- and -

WILLIAM BRUCE DUNLOP LIMITED

Respondent

-and-

THE MINISTER OF NORTHERN DEVELOPMENT AND MINES
Party of the Third Part

O R D E R

WHEREAS this application was received by this tribunal on the 25th day of July, 1996;

AND WHEREAS a consent to grant the required easement was executed on the 24th day of January, 1997, by Mr. Russell S. Smart, Counsel for the Applicant;

AND WHEREAS a consent to grant the required easement was executed on the 30th day of January, 1997, by Mr. W. Dale Dunlop, Counsel for the Respondent;

1. THIS TRIBUNAL ORDERS that easement rights for the construction of a surface water drainage ditch pursuant to clause 175(1)(a) of the Mining Act over parts of Mining Lease Patent 178835 more particularly described as Parts 1 and 2 Plan 23R-9669 being part of Parcel 931 in the District of Kenora (Patricia Portion) in the Township of Balmer (now in the Township of Golden) Surface Rights Only, be and are hereby granted to the Applicant, Goldcorp Inc.

IT IS FURTHER DIRECTED that upon the payment of the required fees, that this Order be filed in the Land Titles Office, Kenora, Ontario.

Reasons for this Order are attached.

DATED this 20th day of February, 1997.

Original signed by
L. KAMERMAN

L. Kamerman
MINING AND LANDS COMMISSIONER



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REASONS

The application for this matter was received on July 25, 1996. Additional documentation was required, with a copies of the Survey Reference Plan and the Easement Agreement dated July 4, 1996 between Goldcorp Inc. and William Bruce Dunlop Limited being received during the month of December, 1996.

As the granting of the easement was on consent, the tribunal determined that a hearing in the matter would not be required, pursuant to section 4.1 of the **Statutory Powers Procedure Act**, R.S.O. 1990, c. S.22, as amended by S.O. 1993, c. 27 and S.O. 1994, c. 27, s. 56. A duly signed consent to the Order dated January 24, 1997, was received from Goldcorp Inc. on January 30, 1997. A duly signed consent to the Order dated January 30th, 1997 was received from William Bruce Dunlop Limited was received on February 5th, 1997.

Jurisdiction to make the requested Order is found in section 175 of the **Mining Act**, R.S.O. 1990, c. M.14. Goldcorp Inc. was requested, in addition to its consent, to provide information to enable the tribunal to make findings in accordance with subsection 175(1) as to why the easement is required in connection with the proper working of a mine, mill for treating ore or quarry. A letter of explanation dated January 30th, 1997 was received by facsimile from Kerry McNamara, Chief Engineer of Goldcorp Inc. contained the following information:

During the summer of 1996, Goldcorp Inc. constructed a diversion channel to divert 70% of the natural runoff from the surrounding water shed from entering the existing mine tailings system. The reduction of water flow through the tailings systems results in longer retention times and , therefore, an improved effluent discharge to the environment. This improvement is required to meet new MISA (Municipal Industrial Strategic Abatement) discharge criteria that come into effect in November, 1997.

The majority of the 7,000 foot channel crosses Goldcorp Inc. property, however, 2,800 feet of the channel crosses two claims (KRL-368487 and KRL 368488) owned by W. Bruce Dunlop Limited. At this time we are requesting an easement for the portion of the channel crossing the W. Bruce Dunlop Limited claims.

William Bruce Dunlop Limited was requested to provide information pursuant to subsection 175(2) with regard to the issue of adequate compensation provided for in its July 4th, 1996 agreement with Goldcorp Inc. On February 17, 1997, W. Dale Dunlop, solicitor for William Bruce Dunlop Limited, provided the following information:

I confirm that the compensation offered and accepted with regard to the potential injury or damage likely to be caused during the construction of a surface water ditch by Goldcorp to claims owned by my client is adequate for the purposes of Section 175(2) of the **Mining Act**.

In addition, the tribunal is required to provide Notice of its hearing in this matter to the delegate of the Minister of Northern Development and Mines, in this case, Ronald Gashinski, Senior Manager, Mining Lands Management Branch. Mr. Gashinski was advised in writing of the impending order and asked to comment prior to the proposed issuance date of the tribunal's Order, February 20, 1997. On February 10, 1997, Mr. Gashinski advised the tribunal in writing that the Ministry has no concerns in this matter.

Therefore, the tribunal finds that the requested easement is necessary for the proper working of the Red Lake Mine Division tailings facility. The tribunal also finds that adequate compensation has been agreed to by the parties and will not interfere with their agreement.

The requested Order will be granted.