

**Land Description
for**

**Zoht Indian Reserve No. 5
Lower Nicola First Nation**

British Columbia

**Prepared under
*First Nations Land Management Act (S.C. 1999, c. 24)***

Prepared on: April 27, 2016

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1. Introduction

As part of the implementation of the *First Nations Land Management Act* for the Lower Nicola First Nation Reserves, the Surveyor General Branch has prepared a Land Description describing the extent of the Reserve lands as required under Section 6.1(a) of the Act for Zoht Indian Reserve No. 5.

Outstanding issues related to the jurisdictional boundaries of the Reserve or to the Land Description contained in this Report are explained in Section 4.

The Land Description contained in Section 2 deals with the extent of the Reserve lands that will be subject to the Land Code of the Lower Nicola First Nation under the *First Nations Land Management Act* and is not intended to prejudice any of this First Nation's claims to lands.

The Land Description is based on a review of the Indian Lands Registry and other documents pertaining to the extent of title to the Reserve. The Land Description is not a legal interpretation of those documents. As there may be different legal interpretations of the documents, legal assistance may be required to determine the nature of the legal interests. The content of this Land Description is accurate based on the documents reviewed; however, there may be other documents that were not found or uncovered that may affect the extent of the title to the Reserve.

This Land Description Report was prepared by Cade H. Brown, BCLS, CLS, of the Surveyor General Branch, per the Guidelines established under the authority of the Surveyor General of Canada.

Certified Correct as to the Land Description contained in Section 2 of this Report.



Cade H. Brown, BCLS (891), CLS (1780)
Surveyor General Branch

April 27, 2016

Date



2. Land Description

Zoht Indian Reserve No. 5

Part A: Land Description of the Extent of Reserve Lands that will be subject to the Land Code of the Lower Nicola First Nation under the First Nations Land Management Act.

Reserve Lands within the Province of British Columbia, Canada In Kamloops Division of Yale District, more particularly described as:

All of Zoht Indian Reserve No. 5 shown on Plan 64383 recorded in the Canada Lands Surveys Records (CLSR) at Ottawa.

Save and except all that portion of land more particularly described as Lot 1 shown on Plan 104844 CLSR.

Total Lands containing 64.2 hectares, (158.7 acres) more or less.

The above described Reserve Lands are subject to:

The rights and reservations contained in provincial Order in Council 1938-1036, registered in the Indian Lands Registry as No 8042, transferring the land from the Province of British Columbia to Canada, as amended by provincial Order in Council 1969-1555, registered in the Indian Lands Registry as No 4111-118.

PART B: Land Description of the extent of Reserve Lands that are not subject to the Land Code of the Lower Nicola First Nation and which are excluded pursuant to Section 7 of the *First Nations Land Management Act*.

Reserve Lands within the Province of British Columbia, Canada In Kamloops Division of Yale District, more particularly described as firstly to secondly:

All that part of Zoht Indian Reserve No. 5 shown as Lot 1 on Plan 104844 CLSR;

Total Lands containing 1.41 hectares, (3.48 acres) more or less.

The above described Reserve Lands are subject to:

The rights and reservations contained in provincial Order in Council 1938-1036, registered in the Indian Lands Registry as No 8042, transferring the land from the Province of British Columbia to Canada, as amended by provincial Order in Council 1969-1555, registered in the Indian Lands Registry as No 4111-118.

Notes

1. The Administrative Sketch in Section 3 illustrates this land description.
2. Refer to the pertinent survey plans and instruments for authoritative boundary definition and nature of the interest in the land.
3. The extent of Oil and Gas Rights are not dealt with in this description.
4. Third party interests such as permits, easements, and leases that may affect the described lands are not dealt with in this description.
5. Mines and minerals are managed according to the British Columbia Indian Reserves Mineral Resources Act 1943-44 c.19.
6. Lot 2 shown on Plan 104844 CLSR is a portion of Mill Creek Road. It is the portion of the road that overlaps the right of way interest shown on Plan M3620 CLSR. Lot 2 has been included in the lands going under the Land Code.

3. Administrative Sketch and Image Overlay

(Attached)

ZOHT IR 14

PLAN 64383

ZOHT
INDIAN
RESERVE No. 5

PLAN 64383

DL 4216

PLAN 64383

PLAN 104844

MILL CREEK ROAD

IR 5

Lot 2

PLAN 64383

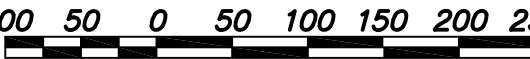
DL 4225

ADMINISTRATIVE SKETCH

ILLUSTRATION OF THE EXTENT OF RESERVE LANDS THAT WILL BE SUBJECT TO THE LAND CODE OF THE LOWER NICOLA FIRST NATION UNDER THE FIRST NATIONS LAND MANAGEMENT ACT.

**LOWER NICOLA FIRST NATION
ZOHT INDIAN RESERVE NO. 5
KAMLOOPS DIVISION YALE DISTRICT
PROVINCE OF BRITISH COLUMBIA
LAT: 50°13'37" LONG: 120°37'12"**

PREPARED ON THE 11th OF JANUARY, 2015 BY CADE H. BROWN, BCLS, CLS

SCALE: 1:5000 

All Plan numbers are Canada Lands Surveys Records (CLSR) plan numbers unless otherwise stated.

Extent of Reserve Lands that will be subject to the Land Code of the Lower Nicola First Nation under the First Nations Land Management Act bounded thus...

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

Refer to the pertinent survey plans and instruments for the authoritative boundary definition and the nature of the interests in the land.

TABLE SHOWING HOW AREAS WERE DERIVED	
Plans	Area
64383	65.6 ha., 162.2 ac.
104844	1.41 ha., 3.48 ac.
TOTAL HECTARES	64.2 ha., more or less
TOTAL ACRES	158.7 ac., more or less

Available From:
Natural Resources
Surveyor General Branch
British Columbia Client Liaison Unit
Telephone No. (604) 666-5313



Natural Resources Canada Ressources naturelles Canada



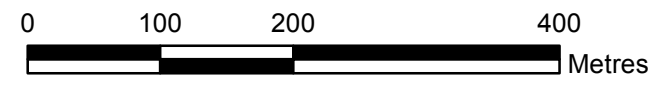
ORTHOPHOTO MAP

LOWER NICOLA FIRST NATION
ZOHT INDIAN RESERVE No. 5

KAMLOOPS DIVISION YALE DISTRICT
 PROVINCE OF BRITISH COLUMBIA

LAT: 50°13'37" LONG: 120°37'12"

PREPARED ON: NOVEMBER 17, 2014



Extent of Reserve Lands that will be subject to the Land Code bounded thus.... ———

Date of Photography: 2011
 Ortho Imagery: Province of BC
 Project: 2013-10-214

Reserve boundary line work derived from Canada Lands Digital Cadastral Data
 (© Government of Canada with permission from Natural Resources Canada, Surveyor General Branch)

This is not a plan of survey. The map is illustrative only and is not to be used for defining boundaries. Administrative decisions should be based on legal documents and legal survey plans.

SURVEYOR GENERAL BRANCH
 BRITISH COLUMBIA REGIONAL OFFICE
 1501-1138 MELVILLE ST.
 VANCOUVER, BC



4. Additional Items

i. Lot 2, Plan 104844 CLSR

Lot 2 shown on Plan 104844 CLSR is a portion of Mill Creek Road. It is the portion of the road that overlaps the right of way interest shown on Plan M3620 CLSR. Lot 2 has been included in the lands going under the Land Code.