

WATER RESOURCES SERVICE
WATER RIGHTS BRANCH

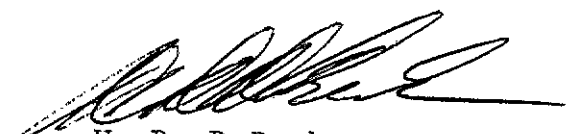
CONDITIONAL WATER LICENCE

British Columbia Hydro and Power Authority of 970 Burrard Street,
Vancouver 1, British Columbia, V6Z 1Y3, is hereby authorized to
divert and use water as follows:

- (a) The source of the water-supply is Pend d'Oreille River.
- (b) The point of diversion is located as shown on the attached plan.
- (c) The date from which the licence shall have precedence is 7th January, 1974.
- (d) The purpose for which the water is to be used is power.
- (e) The maximum quantity of water that may be diverted is 36,000 cubic feet per second and such additional quantity as the Engineer may from time to time determine should be allowed for losses.
- (f) The period of the year during which the water may be used is the whole year.
- (g) This licence is appurtenant to the undertaking of the licensee.
- (h) The works authorized to be constructed are dam, head pond, power plant and auxiliary works, and access roads, which shall be located approximately as shown on the attached Plan.
- (i) The construction of the said works shall be completed and the water beneficially used on or before the 31st day of December, 1985.
- (j) Construction of the works authorized under clause (h) hereof shall not be commenced until plans of same have been submitted to and have been approved in writing by the Comptroller of Water Rights.
- (k) The rights granted under this licence shall be deemed to be subsequent to any rights granted under any licence or licences that may be issued at any time for the consumptive use of water.
- (l) The head pond area shall be cleared to such extent and in such manner as shall be directed by the Comptroller of Water Rights.

ENTERED ON
Map No. 5325, 5326
By <i>GR</i>

- (m) The access roads to be used for the construction of the project shall be either or both of the roads shown on the attached plan and shall be constructed and used in accordance with plans and schedules approved by the Comptroller of Water Rights.
- (n) Programmes for the protection, or enhancement, of fish and wildlife habitat and for the mitigation of losses of habitat shall be carried out as directed by the Comptroller of Water Rights after consultation with the licensee and the Department of Recreation and Conservation.
- (o) Public access to the head pond and its related recreational facilities shall be provided and maintained as directed by the Comptroller of Water Rights after consultation with the licensee and the Department of Recreation and Conservation.
- (p) The head pond elevation shall be controlled as directed by the Comptroller of Water Rights.
- (q) The location of construction camps, work areas, site offices, borrow pits and similar works shall be subject to the approval of the Comptroller of Water Rights.


H. D. DeBeck,
Comptroller of Water Rights.

File No. 0322335 Date issued: 14th August, 1974 Conditional
Licence No. 42962

IN THE MATTER OF THE WATER ACT

and

IN THE MATTER OF CONDITIONAL WATER LICENCE NO. 42962, ISSUED TO THE BRITISH COLUMBIA HYDRO AND POWER AUTHORITY FOR THE DIVERSION AND USE OF 36,000 CUBIC FEET PER SECOND OF WATER FROM THE PEND D'OREILLE RIVER FOR POWER PURPOSE:

DECISION

Having received an application from the licensee for approval to locate and construct a road, known as the Low North Side Road, along the north shoreline of the Pend d'Oreille River for construction access to the project; and

Having held a public hearing at Trail, B.C., on April 2 and 3, 1975; and

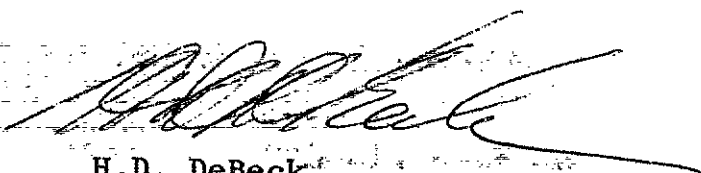
Having considered all evidence and arguments submitted, including exhibits produced;

I hereby grant approval to the licensee to locate and construct the access road as applied for.

Further, as the access road location is a major factor in the determination of compensation and mitigation for losses of wildlife habitat;

I hereby direct, pursuant to Clause (n) of Conditional Water Licence 42962, that the licensee shall make available to the Department of Recreation and Conservation a total of one million eight hundred thousand dollars (\$1,800,000) in accordance with budgets submitted annually by that Department for planning and implementing a fish and wildlife habitat management program for the Pend d'Oreille Valley, having due regard for the principles of integrated resource management.

Dated at Victoria, British Columbia this 2nd day of May, 1975


H.D. DeBeck,
Comptroller of Water Rights.

IN THE MATTER OF THE WATER ACT

and

IN THE MATTER OF AN APPLICATION BY THE BRITISH COLUMBIA HYDRO AND POWER AUTHORITY FOR A WATER LICENCE TO DIVERT AND USE WATER OUT OF THE PEND D'OREILLE RIVER AT CHURCH (FISH) CREEK, BRITISH COLUMBIA

and

IN THE MATTER OF CERTAIN OBJECTIONS TO THE SAID APPLICATION

NOTICE OF DECISION

TAKE NOTICE THAT following a Public Hearing held by me pursuant to the provisions of the Water Act at Trail, British Columbia, from July 23rd to July 26th, 1974, inclusive, having heard and duly considered all evidence including exhibits produced at the said Hearing, and having carefully considered all arguments submitted both for and against the above mentioned application for a Water Licence, and having considered all representations made with respect to the effects on existing and potential resources, and of the environmental and social impacts of the possible alternative access road routes to the site of the proposed project, I find:

THAT British Columbia Hydro and Power Authority has shown good and sufficient reason for the construction of the proposed project and that the proposed project would be in the public interest;

AND THAT a Conditional Water Licence will issue to the British Columbia Hydro and Power Authority authorizing construction of the proposed project subject to the terms and conditions set out in the said Conditional Water Licence, a copy of which is hereto attached.

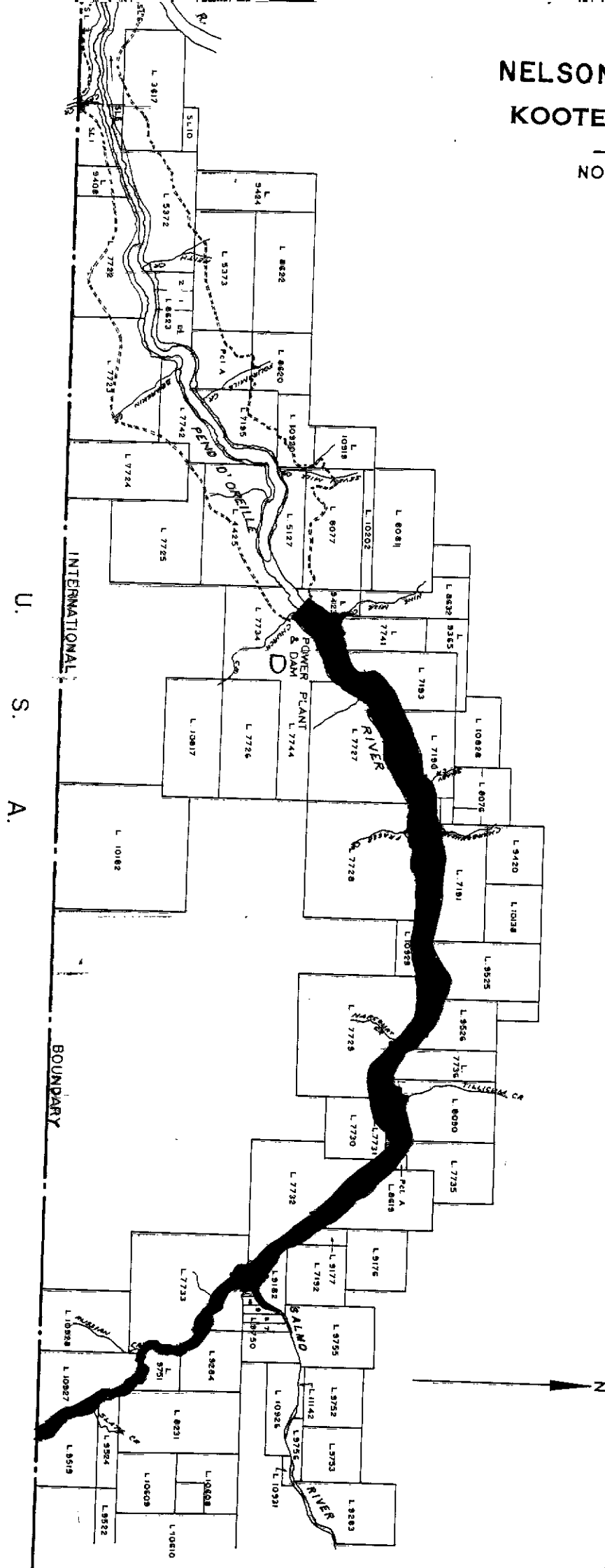
Dated at Victoria, B.C. this 14th day of August, 1974.



H.D. DeBeck,
Comptroller of Water Rights.

NELSON WATER DISTRICT KOOTENAY DISTRICT

NOT TO SCALE



Signature

[Handwritten Signature]

Date 14th August 1974

See P.C.L. 12189
12190

CL. 42962
File 0322335

Precinct Waneta

LEGEND

- Point of Diversion
- W.R. Map ~~5325-8-5326~~ B2.F.003-1-4
- Access Road
- Head Pond