



# Province of British Columbia

## *Water Act*

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### CONDITIONAL WATER LICENCE

British Columbia Hydro and Power Authority is hereby authorized to divert and use water as follows:

- (a) The stream on which the rights are granted is the Bull River.
- (b) The point of diversion on Bull River, denoted as PD23501, is located as shown on the attached plan.
- (c) The date from which this licence shall have precedence is July 27, 2004.
- (d) The purpose for which this licence is issued is power and the category for the power is general. The power is to be generated at the Aberfeldie Generating Station.
- (e) The maximum quantity of water which may be diverted and used under this licence is 30.1 cubic meters per second (1063 cubic feet per second), and is subject to maintaining in the Bull River, immediately downstream of the point of diversion a minimum flow as ordered by the Comptroller.
- (f) Water may be diverted and used throughout the whole year.
- (g) This licence is appurtenant to the lands on which the replacement Aberfeldie Generating Station is situated on Lot 3007, Kootenay District.
- (h) The works authorized for the replacement Aberfeldie Generating System are:
  - 1. an intake at the Aberfeldie Dam;
  - 2. a penstock and surge chamber; and
  - 3. a powerhouse and ancillary works,which shall be located approximately as shown on the attached plan.  
The Aberfeldie Dam with overflow spillway has already been constructed as authorized by the Final Licence 120650.

- (i) Before commencing construction of the works authorized under clause (h) of this licence, the licensee must to the satisfaction of the Engineer under the *Water Act* (the "Engineer"):
- 1) retain a professional engineer registered in the province of British Columbia (the "Independent Engineer") who will provide services to the Engineer for the regulation of construction of the works (details in attachment);
  - 2) retain a person with professional qualifications (the "Environmental Monitor") who will monitor environmental impacts from the construction of works (details in attachment);
  - 3) submit, the following:
    - a. plans that show the general arrangement of the works;
    - b. criteria for the design of the works;
    - c. criteria for the operation of the works;
    - d. a schedule for the construction of the works; and
    - e. an environmental management plan (EMP) for the management and mitigation of construction impacts.
  - 4) Obtain Leave to Commence Construction (LCC) in writing from the Engineer.
- (j) Before undertaking construction of any component of works for which LCC is issued under (i)4), the licensee must:
1. ensure that the design drawings for the works to be constructed are signed and sealed by a professional engineer registered in the province of British Columbia (the "Design Engineer");
  2. ensure that a professional engineer registered in the province of British Columbia (the "Construction Engineer") supervises the construction of the works; and
  3. obtain a letter from the Independent Engineer that the actual construction of that component work may proceed.
- (k) Before commencing operation of the works authorized under clause (h), the licensee must:
1. submit a report for acceptance by the Comptroller on the parameters and procedures for the operation of the works;
  2. submit and implement a plan to the satisfaction of the Comptroller for the measurement of in-stream flows and of the flow of water diverted from the stream under this licence; and
  3. obtain leave to commence the diversion and use of water authorized in this licence in writing from the Comptroller.

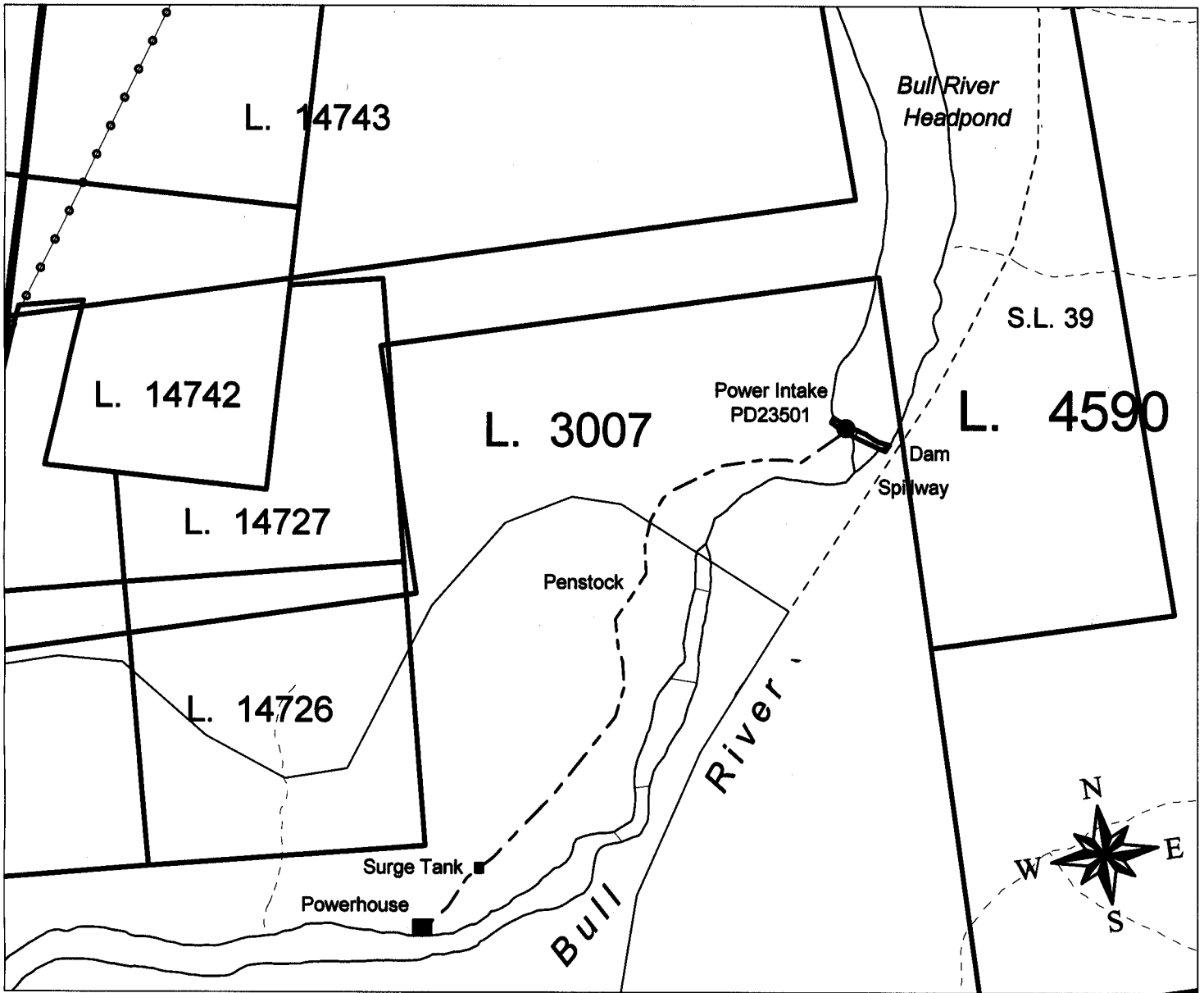
- (l) The licensee must operate the works authorized under clause (h) above in accordance with procedures ordered by the Comptroller, including any order for the regulation of the diversion, rate of diversion and use of water as may be required for the preservation of fish.
- (m) The licensee shall prepare and implement monitoring programs as ordered by the Comptroller.
- (n) The construction of said works shall be completed and the water beneficially used prior to December 31, 2011.
- (o) Submit to the Engineer, and as directed by the Engineer, within six months of receiving the leave to commence the diversion and use of water, the drawings of record that show the works as they were constructed.
- (p) The term of this licence is 40 years from the date of issuance of this licence.



Pieter Bekker  
Deputy Comptroller of Water Rights

File No.: 4004825

Date issued: *November 6 / 06* Conditional Licence: 119823



WATER DISTRICT:  
PRECINCT:  
LAND DISTRICT:

FERNIE  
BULL RIVER  
KOOTENAY

Signature: *T. Behr*  
Date: November 6, 2006

LEGEND:

Scale: 1:10,000  
Point of Diversion: ●  
Map Number: WR 1800  
Penstock: — — — — —

C.L. 119823  
File 4004825