



Province of British Columbia

Water Act

Order Section 88

File Nos.: 0234965 and 5000259

WHEREAS, British Columbia Hydro and Power Authority (BC Hydro) is the holder of Final Water Licences 120176 and 120177 which authorize the diversion and use of water for power purpose and conservation purpose at the Clayton Falls Power Development;

WHEREAS, the works authorized by Final Water Licences 120176 and 120177 at the Clayton Falls Power Development include: for power purpose a dam (PD40178), a penstock, a surge tank, powerhouse, and tailrace; and for conservation purpose a diversion structure (PD63362) and pipeline conveying water to the tailrace;

WHEREAS, the operation of the works can also benefit the viability of fish and fish habitat in the headpond, lower Clayton Falls Creek and the tailrace and BC Hydro has engaged in public consultation to determine values for system parameters and to develop operating procedures that may provide those fisheries benefits; _____

WHEREAS, the licensee has submitted a Water Use Plan, which recommends changes to the operation of Clayton Falls Power Development which are intended to provide specific benefits for: fish in lower Clayton Falls Creek; fish in the headpond; and fish in the tailrace;

WHEREAS, I have accepted the Water Use Plan for the Clayton Falls Power Development, dated November 22, 2004; and

WHEREAS, BC Hydro has proposed a monitoring program to determine if operating the works in accordance with the operating parameters and procedures in the Clayton Falls Water Use Plan will provide the above listed expected benefits;

I HEREBY ORDER THAT:

1. The works authorized under Final Water Licences 120176 and 120177 must be operated as follows:
 - a. Commencing on April 1, 2006, a minimum flow of water of 0.05 cubic metres per second must be released from the dam at all times.
 - b. During maintenance and civil inspections of the dam, the headpond shall be drafted gradually over a two hour period.
 - c. If frazil or anchor ice is present within the tailrace, scheduled maintenance or shutdowns are not to proceed.

- d. If frazil or anchor ice forms in the tailrace during unit shutdown, flow to the tailrace shall be increased via the fish bypass valve or by bringing the generator online.
 - e. The intake for the conservation works at PD63362 is to be shut off at all times except during periods when flow from PD40178 to the tailraces is reduced due to annual maintenance and penstock dewatering, or when other conditions exist which would result in a tailrace flow of less than 0.08 cubic metres per second.
2. The licensee must evaluate the effectiveness of operations in accordance with the parameters and procedures ordered in 1 above by undertaking an aquatic ecosystem productivity monitoring program as set out below:
 - a. The licensee shall, within four months of the date of this order, develop and submit for approval terms of reference for a four year monitoring program based on Appendix F of the Clayton Falls Water Use Plan Report of the Consultative Committee, dated July 2003; and
 - b. On approval in writing by the Comptroller of Water Rights of the terms of reference for the monitoring program, BC Hydro shall implement the monitoring program and submit information to the Comptroller in accordance with the terms of reference.
 3. Before September 1, 2005, the licensee shall submit plans for a measuring device that is suitable for measuring the minimum flow of 0.05 cubic metres per second which is to be released from the dam on Clayton Falls Creek at PD40178 in accordance with 1 above.
 4. On approval in writing of the plans submitted in accordance with 3 above and receiving leave to commence construction, alter the Dam on Clayton Falls Creek to include the measuring device as approved.
 5. The licensee may operate the works in an alternate manner in the event of an emergency, a dam safety requirement, or an extreme hydrological event.
 6. All emergency operations, or other deviations from those ordered in 1 above be reported to the Comptroller of Water Rights in a timely manner.

Dated at Victoria this 9th day of December, 2004.



Pieter J. Bekker
Deputy Comptroller of Water Rights