

Water Act

CONDITIONAL WATER LICENCE

The licensee is hereby authorized to divert and use water as follows:

- (a) The point of diversion is at the discharge from Tyson Lake at elevation 1045 masl, into Tyson Creek, tributary of the Tzoonie River.
- (b) The point of diversion (denoted as PD78976), dam site and storage site (Tyson Lake, also known as Lake "A") are located as shown on the attached plan.
- (c) The date from which this licence shall have precedence is March 8, 2005.
- (d) The purposes for which this licence is issued are Storage (Power) and Power (General), which is to be generated with the Tyson Creek Generating Station.
- (e) The maximum quantity of water which may be diverted for Storage (Power) purpose is 124.83 hectare metres per annum (1,012 acre feet per annum) and for Power (General) purpose is 1.3 cubic meters per second (45.91 cubic feet per second).
- (f) Water may be diverted and used throughout the whole year subject to the licensee maintaining immediately downstream of the point of diversion, a minimum flow of 0.07 cubic meters per second (2.47 cubic feet per second); or a minimum flow as ordered under clause (m) by the Regional Water Manager.
- (g) This licence is appurtenant to that parcel or tract of land in the vicinity of District Lot 5660, together with unsurveyed foreshore or land covered by water being part of the bed of Tzoonie River and Unnamed Creeks, Group 1, New Westminster District, containing 895.47 hectares, more or less. The lands described are shown on drawings held under Lands File No. 2408856.
- (h) The authorized works for the Tyson Creek Generating Station are:
 - 1. dam, pond and intake;
 - 2. penstock;
 - 3. access roads and bridge;
 - 4. hydrometric monitoring stations;
 - 5. powerhouse, tailrace and switchyard; and
 - 6. transmission line for the Tyson Creek Generating Station


- (i) Before commencing construction of the dam authorized under clause (h) of this licence, the licensee must:
 - 1. retain a Professional Engineer registered in the province of British Columbia to design, manage and supervise construction of the dam;
 - 2. submit plans and other information as required for review and acceptance by the Dam Safety Officer under the *Water Act*;
 - 3. obtain Leave to Commence Construction (LCC) in writing from the Regional Water Manager or Comptroller.

- (j) Before commencing construction of the other works authorized under clause (h) of this licence, the licensee must:
 - 1. retain a Professional Engineer registered in the province of British Columbia who will act in the role of "Independent Engineer" and provide services to the Engineer for the regulation of construction of the works;
 - 2. retain a person with professional qualifications (the "Environmental Monitor") who will monitor environmental impacts during the construction of works;
 - 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.

- (k) Before undertaking construction of any component of works for which LCC is issued under (j) 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.

- (l) Before commencing operation of the works authorized under clause (h), the licensee must:
 - 1. submit a report for acceptance by the Regional Water Manager on the parameters and procedures for the operation of the works;
 - 2. submit and implement a plan to the satisfaction of the Regional Water Manager 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 Regional Water Manager.
- (m) The licensee must operate the works authorized under clause (h) above in accordance with procedures ordered by the Regional Water Manager, 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, wildlife or navigation.
- (n) The licensee must:
1. prepare, a monitoring program suitable to determine the nature of any impacts on fish and wildlife to the satisfaction of the Regional Water Manager;
 2. implement the program including the pre-construction period (2007) and baseline monitoring to the satisfaction of the Regional Water Manager;
 3. continue the program for five years following the commencement of operation of the works or to the satisfaction of the Regional Water Manager; and
 4. at the completion of the monitoring program, prepare a report that identifies the nature of any impacts on fish and wildlife and implement the appropriate mitigation and/or compensation to the satisfaction of the Regional Water Manager.
- (o) The construction of said works authorized under clause (h) shall be completed and the water beneficially used prior to November 1, 2012.
- (p) 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.
- (q) This licence is issued for a term of forty (40) years from the date of issuance of this licence.


Julia Berardinucci
Regional Water Manager

ORDER
WATER ACT
Section 18 (1)

File No. 2002777

The Province of British Columbia *Water Act* having been complied with and being satisfied that no persons rights will be injuriously affected, I hereby issue an amended plan to be attached to Conditional Water Licence 120523.

Dated at Surrey, BC this 8th day of July, 2009.



Tim Bennett, P.Eng.
Assistant Regional Water Manager

ORDER
WATER ACT
Section 18 (1)

File No. 2002777

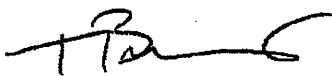
The Province of British Columbia *Water Act* having been complied with and being satisfied that no persons rights will be injuriously affected, I hereby amend Conditional Water Licence 120523, as follows:

The following clause is amended as follows:

(h) The authorized works for the Tyson Creek Generating Station are:

1. intake and tunnel;
2. penstock;
3. access roads and bridge;
4. hydrometric monitoring stations;
5. powerhouse, tailrace and switchyard; and
6. transmission line for the Tyson Creek Generating Station

Dated at Surrey, BC this 12th day of September, 2008.



Tim Bennett, P.Eng.
Assistant Regional Water Manager