



Province of British Columbia Water Act

FINAL WATER LICENCE

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

- a) The streams on which the rights are granted are Whatshan River and Whatshan Lake.
- b) The points of diversion and rediversion are PD25324 and PD25329 located as shown on the attached plan.
- c) The date from which this licence shall have precedence is February 26, 1948.
- d) The purpose for which this licence is issued is power, which is to be generated at the Whatshan Generating Station.
- e) The maximum quantity of water which may be diverted at PD25329 and used under this licence is 41 cubic metres per second.
- f) Water may be diverted and used throughout the whole year.
- g) This licence is appurtenant to the undertaking of the British Columbia Hydro and Power Authority to generate and supply power from the Whatshan Generating Station, situated on Parcel A (Reference Plan 86602I) of Lot 10391, Kootenay District.
- h) The authorised works are a concrete dam, intake portal, tunnel and power house located as shown on the attached plan.
- i) This licence is issued in substitution of Conditional Water Licences 18525, 23267 and 39039.

Pieter J. Bekker
Deputy Comptroller of Water Rights



Province of British Columbia

Water Act

Order
Water Act
Section 88

File No. 0167228

WHEREAS British Columbia Hydro and Power Authority (BC Hydro, the licensee) is the operator of the Whatshan River hydroelectric system, in respect of which it holds Final Water Licences 120711 and 120712; and

WHEREAS the licensee has submitted the Whatshan Project Water Use Plan, which recommends changes to the operations and enhancement works of the Whatshan Project and which is intended to provide benefits to fisheries habitat, wildlife habitat and recreation; and

WHEREAS BC Hydro has engaged in public consultation to determine values for system parameters and to develop operating procedures that may provide fisheries, wildlife and recreation benefits as described above;

WHEREAS I have accepted the Whatshan Project Water Use Plan dated June 15, 2005; and

WHEREAS the Whatshan Project Water Use Plan proposes a monitoring programme to determine whether operating the facility in accordance with the parameters and procedures of the Whatshan Water Use Plan will provide the expected benefits;

I HEREBY ORDER THAT:

1. The licensee shall, except for the purpose of maintenance of facilities, regulate the Whatshan Lake Reservoir to be at or above the following minimum elevations:
 - a) 639.10 metres from May 15 to June 14
 - b) 640.35 metres from June 15 to October 1
 - c) 636.50 metres the remainder of the year.
2. Within 4 months of the date of this order, the licensee shall submit, for approval by the Comptroller, plans for the modification of the existing boat launch ramp at Inonoaklin Recreation Site to enable boat access to the reservoir when the reservoir elevation is as low as 636.50 metres. Upon

receiving, from the Comptroller, approval of the plans and leave to commence construction, the licensee shall modify the boat launch in accordance with the approved plans.

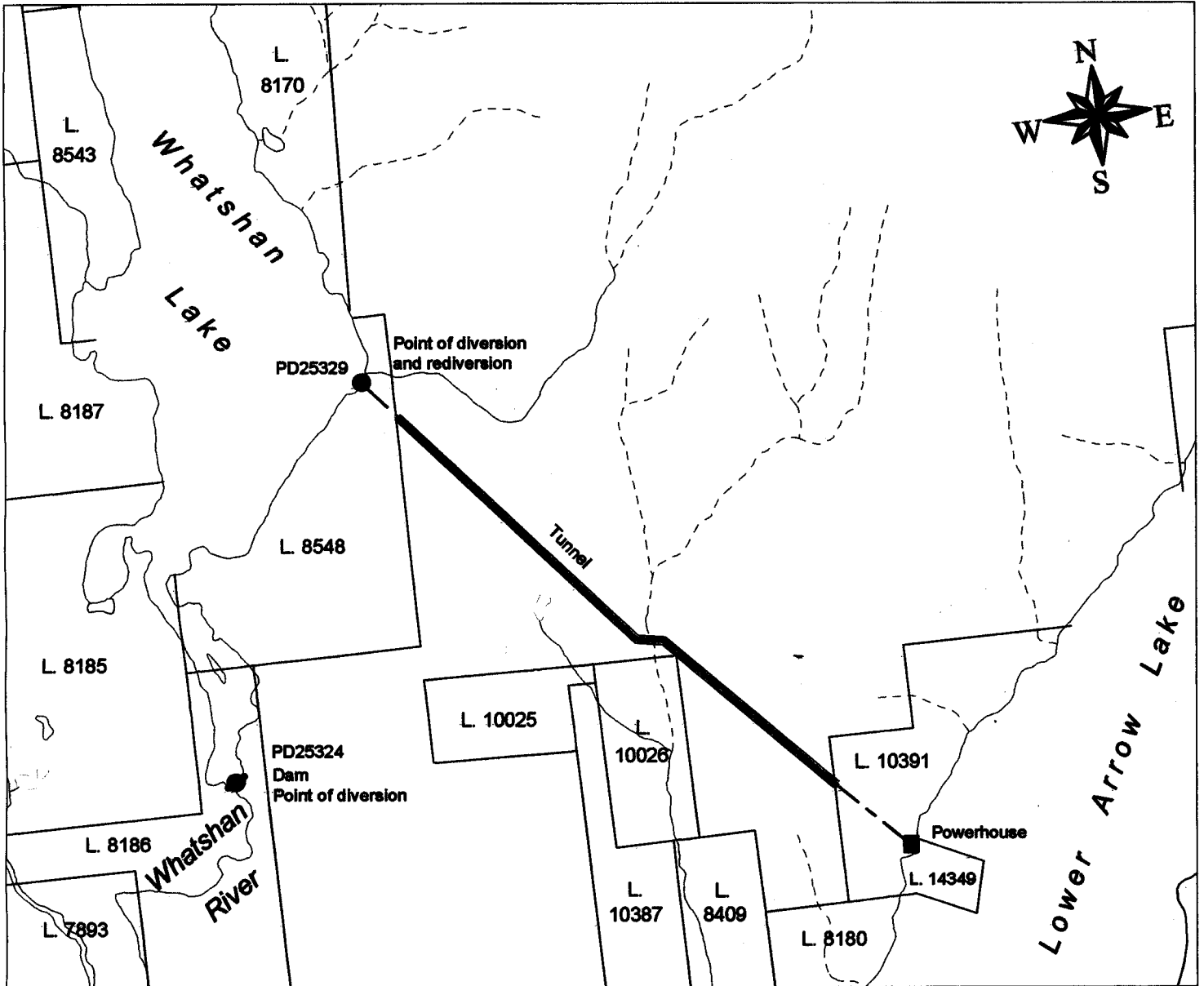
3. Within four months of the date of this order, the licensee shall submit to the Comptroller, plans for an assessment of habitat complexing potential and rainbow trout population monitoring in Reach 3 of the Whatshan River. Upon a two year review by the licensee of this information, the licensee shall provide the Comptroller with plans for habitat complexing and, if so directed by the Comptroller, proceed with construction of the habitat complexing and continued population monitoring.
4. The licensee shall submit a monitoring plan, within four months of the date of this order, for acceptance by the Comptroller, outlining:
 - a) details of monitoring the effects of revised operations on littoral habitat and associated effect on wildlife, and
 - b) details of a study to locate archaeological sites within the reservoir between the elevations of 634.4 and 641.3 metres.
5. The licensee shall implement monitoring in accordance with the monitoring plan accepted by the Comptroller of Water Rights under (3) and (4) above, and shall provide an annual monitoring report to the Comptroller.
6. The licensee shall include with its annual monitoring reports to the Comptroller of Water Rights, any effect of reservoir operations on archaeological resources within Whatshan Lake Reservoir based on the results of archaeological studies that may be carried out by the licensee from time to time.
7. With respect to the maintenance and provision of records the licensee must:
 - a) Keep records of
 - i) Whatshan Lake reservoir elevations;
 - ii) Generating station discharge and
 - iii) Discharge from Whatshan Dam into Whatshan River.
 - b) Provide a written report to the Comptroller of Water Rights on or before February 1 of each year summarizing the records from the previous calendar year; and
 - c) Provide on request of the Comptroller of Water Rights records collected under 7.a.
8. The licensee may operate the works in an alternate manner in the event of an emergency, dam safety requirement, or an extreme hydrological event.

9. All emergency operations or other deviations from operations ordered above shall be reported to the Comptroller of Water Rights in a timely manner.

Dated at Victoria, B.C., this 19th day of July, 2005.



Pieter J. Bekker
Deputy Comptroller of Water Rights



WATER DISTRICT:
PRECINCT:
LAND DISTRICT:

**NELSON
BURTON CITY
KOOTENAY**

Signature: *T. Bellin*
Date: July 14, 2005

LEGEND:

Scale:
Point of Diversion:
Map Number:
Pipe:
Permit over Crown Land:

1:30,000
●
WR 82E.100.1.4

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F.L. 120711 for C.L. 18525, C.L.23267, C.L.39039
File 0167228
P.C.L 25270