



Province of British Columbia

Water Act

CONDITIONAL WATER LICENCE

The holder of Crown land tenure within Land Act File 3412485 covering the land to which this licence is appurtenant is hereby authorized to divert and use water as follows:

- a) The source on which the rights are granted is Siwash Creek.
- b) The point of diversion is PD186025 and the approximate UTM Zone 10 co-ordinates are N 5550728 and E 606268, located approximately as shown on the attached plan.
- c) The date from which this licence shall have precedence is March 30, 1987.
- d) The purpose for which this licence is issued is power (general), which is to be generated with the Siwash Creek Generating System.
- e) The maximum quantity of water which may be diverted is 0.33 cubic metres per second (11.65 cubic feet per second) provided that:

1. A minimum flow in cubic metres per second be allowed to pass the point of diversion at all times when the Siwash Creek Generating System is operating as prescribed in the following table:

Month	IFR (cms)
January	0.025
February	0.025
March	0.025
April 1 - 15	0.025
April 16 - 30	0.035
May 1 - 15	0.060
May 16 - 31	0.120
June 1 - 15	0.200
June 16 - 30	0.150
July	0.065
August	0.030
September	0.025
October	0.025
November	0.035
December	0.025

and these minimum flows must also pass both flow measuring stations and;

2. A minimum flow as may be specified by the Engineer under the Water Act ("the Engineer") under clause (p) must flow through the diversion reach at all times and;

3. Ramping rates, either upward or downward, shall not exceed the maximum rates prescribed in the following schedule:

Location	April 1 to October 31	November 1
to March 31		
At point of diversion	3.5 cm/hr	2.5
cm/hr		

- f) The period of the year when the water may be diverted and used is the whole year.
- g) The land upon which the water is to be used and to which this licence is appurtenant is the land on which the powerhouse of the Siwash Creek Generating System is to be situated, described as the unalienated and unencumbered Crown land in the vicinity of Siwash Creek, Ashcroft District lying to the right of Siwash Creek and containing 0.9 hectares more or less held under Licence of Occupation as shown on the Legal Description Schedule on Lands File 3412485 located approximately as shown on the attached plan.
- h) The authorized works for the Siwash Creek Generating System are diversion structure with flow measuring weir and sluice, spillway, penstock, powerhouse with substation, a tailrace pipe, transmission line, two permanent flow measuring stations, and one access road crossing of Siwash Creek all of which shall be located approximately as shown on the attached plan.
- i) The construction of the said works shall be completed and the water shall be beneficially used prior to December 31, 2017. Thereafter, the licensee shall continue to make regular beneficial use of the water in the manner authorized herein.
- j) One of two permanent flow measuring stations shall be located approximately 0.5 km downstream of the point of diversion and the lower one shall be located between the Trans Canada Highway culvert crossing and the CNR culvert crossing.
- k) The penstock will cross Siwash Creek in two places, located approximately as shown on the attached plan.
- l) Before commencing construction of the works authorized under clause (i) of this licence the licensee must to the satisfaction of the Engineer under the Water Act:
 - 1. Prepare and submit in writing to the satisfaction of the Engineer under the Water Act the terms of reference outlining the duties and responsibilities of the Independent Engineer ("IE") and the Independent Environmental Monitor ("IEM");
 - 2. Retain a Professional Engineer, registered in the Province of British Columbia (referred

to as the Independent Engineer ("IE")), acceptable to the Engineer, who will provide services, as outlined in the terms of reference specified in clause (k)(1), to the Engineer under the Water Act, and other agencies, to monitor environmental impacts from the construction of the works in accordance with the Construction Environmental Management Plan (CEMP);

4. Submit to the Engineer under the Water Act the following:

- a. Plans that show the general arrangement of the works to be constructed.
- b. Criteria for the design of the works to be constructed.
- c. Criteria for the operation of the works to be constructed.
- d. A schedule for the construction of works.

5. Prepare a Construction Environmental Management Plan (CEMP) for the management and mitigation of construction impacts, which plan is to be to the satisfaction of the Engineer under the Water Act and;

6. Obtain General Leave to Commence Construction (GLCC), in writing, from the Engineer under the Water Act.

m) Before undertaking construction of any component of the works for which the GLCC is issued under (k) (6) the licensee must:

1. Ensure that the plans for the works to be constructed are signed and sealed by a Professional Engineer registered in the Province of British Columbia (referred to as a Design Engineer) and accepted by the IE;
2. Ensure that a Professional Engineer registered in the Province of British Columbia (referred to as the Construction Engineer) supervises the construction of works;
3. Obtain written consent from the IE that the actual construction of that component of the work may proceed;
4. Provide an Environmental Protection Plan (EPP) to the IE if required to do so.

n) The services to be provided by the Independent Engineer include the following:

1. Review the plans signed and sealed by the Design Engineer for conformance with the plans that show the general arrangement of the works to be constructed, criteria for the design of the works to be constructed and criteria for the operation of the works to be constructed as submitted under clause (k) 4 a, b and c.
2. Monitor the construction of the works for conformance with the plans reviewed under clause (m)(1) and periodically submits reports to the Engineer under the Water Act on the monitoring;
3. Prepare a letter of consent to the licensee to proceed with the temporary diversion of water for the testing of the works, subject to any directions of the Engineer under the Water Act;
4. Submit a report to the Engineer, prepared jointly with the IEM that confirms that the works were constructed in accordance with the plans reviewed under clause (m) (1), which report is to be submitted to the Engineer requesting interim Leave to Operate (ILTO) for the purpose of system commissioning and leading to the issuance of the Final Leave to Operate (FLTO);
5. Provide any other information or advice that the Engineer under the Water Act may require.

- o) Prior to diverting water for the commercial operation of the works authorized under clause (i) the licensee must:
 - 1. Include in the Long Term Monitoring Plan (LTMP) a program suitable to determine the nature of any impacts on aquatic life and/or wildlife and their habitats that covers a period of both pre- and post- (minimum of five years) commissioning of the Siwash Creek Generating System to the satisfaction of the Engineer under the Water Act;
 - 2. Submit and implement the LTMP to the satisfaction of the Engineer under the Water Act;
 - 3. Obtain written ILTO from the Regional Water Manager;
 - 4. Obtain an instream work leave from the IE;
 - 5. At the completion of the monitoring program, prepare a report that identifies the nature of any impacts on aquatic life and/or wildlife and, if applicable, implement the appropriate mitigation and/or compensation to the satisfaction of the Engineer under the Water Act.

- p) Before commencing post-commissioning commercial operation of the works authorized under clause (i), the licensee must:
 - 1. submit an Operating Parameters and Procedures Report (OPPR) for acceptance by the Engineer under the Water Act on the parameters and procedures for the operation of the works authorized under clause (i);
 - 2. Obtain written FLTO from the Regional Water Manager.

- q) The licensee must operate the works authorized under clause (i) in accordance with:
 - 1. Procedures ordered by the Engineer under the Water Act, 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 and aquatic habitat;
 - 2. Any amendment ordered by the Engineer under the Water Act.

- r) The licensee shall install erosion control measures in areas affected by the project to the satisfaction of the Engineer under the Water Act.

- s) The licensee shall submit to the Engineer under the Water Act, and as directed by the Engineer under the Water Act, within one year of receiving the FLTO, the drawings of record (as-builts) that show the works as they were constructed.

- t) Within two years of commissioning the power plant, an Operation, Maintenance, and Surveillance Plan (OMSP) must be submitted to the Engineer under the Water Act.

- u) This licence is issued pursuant to the provisions of the Water Act. It is the responsibility of the licensee to ensure that all activities conducted under this authorization are carried out in compliance with the Water Act and with due regard to the rights of third parties and with any other applicable legislation that may be in force from time to time.

- v) The term of this licence is 40 years from the date of issuance of this licence. Not less than five (5) years prior to the expiration date of this licence, the licensee shall:

1. Make written application to the Regional Water Manager for a new water licence or;
2. Provide written documentation that stipulates the works are to be transferred to another corporate entity and that entity has agreed to make application to the Regional Water Manager for a new water licence or;
3. Provide written documentation of their intention to abandon the licence including a detailed plan outlining procedures and timeline to decommission the works, remove all associated works and rehabilitate the project area to the satisfaction of the Engineer.

w) This licence is issued in substitution of Conditional Water Licence 102725.

A handwritten signature in black ink, appearing to be 'R. L. L.', written in a cursive style.

Director