



# Province of British Columbia

## *Water Act*

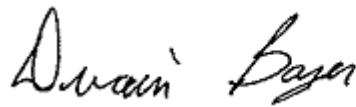
### CONDITIONAL WATER LICENCE

The owners of the land to which this licence is appurtenant are hereby authorized to divert and use water as follows:

- a) The stream on which the rights are granted is the Lardeau River.
- b) The point of diversion is located as shown on the attached plan.
- c) The date from which this licence shall have precedence is May 7, 2013.
- d) The purpose for which this licence is issued is conservation (fish habitat compensation works).
- e) The period of the year during which the water may be used is the whole year.
- f) The land upon which the water is to be used is that portion of the Lardeau River, as shown on the attached plan, in the vicinity of Howser. The licence is to authorize a fish habitat compensation project and is appurtenant to the lands on which the Brilliant Power Corporation powerhouse is constructed as set out in Conditional Water Licence 113306.
- g) The authorized works are a diversion channel, intake structure, engineered log jams, and access road which shall be located approximately as shown on the attached plan.
- h) 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.
- i) This licence is issued under the *Water Act* (the Act). The exercise of rights under the licence is subject to the Act and its regulations, the terms and conditions of the licence, orders under the Act and the rights of licensees whose rights have precedence on the stream. The licensee must comply with all such requirements, as well as the provisions of all other applicable enactments. In exercising rights under the licence, the licensee must exercise reasonable care to avoid damaging land, works, trees or other property, and must make full compensation to the owners for damage or loss resulting from construction, maintenance, use, operation or failure of the works.
- j) All work must comply with the Kootenay Region's Terms and Conditions for Instream

Works and conform with the Proposed Brilliant Dam Upgrade Project Fish Compensation Lardeau River Side Channel 7.57R Reactivation and Enhancement project plan dated February 28, 2013.

- k) As built plans for the works authorized by this licence must be prepared by a professional engineer registered in the Province of British Columbia and submitted to an Engineer under the *Water Act*.
- l) The works authorized under clause (g) hereof shall be maintained to the satisfaction of an Engineer under the *Water Act*.

A handwritten signature in black ink that reads "Dwain Boyer". The signature is written in a cursive, slightly slanted style.

Dwain Boyer, P.Eng.  
Assistant Regional Water Manager