



# Province of British Columbia

## *Water Act*

### CONDITIONAL WATER LICENCE

The holder of a Crown land tenure held under Land File No. 1413118 to which this licence is appurtenant is hereby authorized to divert and use water as follows:

- a) The stream on which the rights are granted is Newcastle Creek.
- b) The point of diversion is located as shown on the attached plan.
- c) The date from which this licence shall have precedence is March 19, 2008.
- d) The purpose for which this licence is issued is power (general). The power is to be generated with the Newcastle Creek Generating Station.
- e) The maximum quantity of water which may be diverted for power (general) purpose is 3.62 cubic metres per second, subject to a minimum flow of 0.16 cubic metres per second being allowed to pass the intake structure for an instream flow release.
- f) The period of the year during which the water may be used is the whole year.
- g) The land upon which the water is to be used and to which the licence is appurtenant is the land on which the powerhouse of the Newcastle Creek Generating Station is situated, described as those parts of District Lots 222, 455, 457, 458, 459, 461, 462 and that parcel or tract of unsurveyed Crown land lying in the vicinity of Newcastle Creek; together with unsurveyed Crown foreshore or land covered by water being part of the bed of Elk and Newcastle Creeks and various unnamed creeks, lakes and tributaries, all within Rupert and Sayward District, and tenured under the *Land Act*, held under Lands File No. 1413118.
- h) The works authorized for the Newcastle Creek Generating System are:
  - 1. a weir, intake, control gate and headpond;
  - 2. penstock;
  - 3. access road;
  - 4. a powerhouse, tailrace and switch yard; and
  - 5. an approximate 19.1km transmission line from the powerhouse to the existing BC Hydro grid 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, 2019. Thereafter, the licensee shall continue to make regular beneficial use of the water in the manner authorized herein.

- j) Before commencing construction of the works authorized under clause (h) of this licence, the licensee must to the satisfaction of the Regional Water Manager (RWM):
  - 1. retain a professional engineer registered in the province of British Columbia (the Independent Engineer - IE) who will provide services to the RWM, for the regulation of the construction of the works;
  - 2. retain a person (the Environmental Monitor - EM) who will provide services to the RWM, and other agencies to monitor environmental impacts from the construction of the works, and;
  - 3. submit the following:
    - a. plans that show the general arrangement of 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. submit a Construction Environmental Management Plan (CEMP) for the management and mitigation of construction impacts.
  - 4. obtain Leave to Commence Construction (LCC) in writing from the RWM.
- k) Before undertaking construction of any component of works for which the LCC was issued, 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 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 draft Operational Parameters and Procedures Report (OPPR) for the management and mitigation of operational impacts;
  - 2. submit and implement a plan to the satisfaction of the RWM for the measurement of in-stream flows and of the flow of water diverted from the stream under this licence;
  - 3. obtain leave to commence the diversion and use of water authorized in this licence, in writing from the RWM.
- m) As-built, record drawings or an equivalent must be submitted to the RWM within one year of receiving the leave to commence diversion and operation.
- n) The final Operational Parameters and Procedures Report (OPPR) must be submitted to the RWM within one year of receiving the leave to commence diversion and operation.
- o) This licence will remain valid only for so long as a valid tenure exists for the land described in Clause (g) herein, or the licensee acquires ownership of the said land.

p) The term of this licence is 40 years from the date of issuance of this licence.

A handwritten signature in dark ink, appearing to read "Darryl Slater". The signature is fluid and cursive, with the first name "Darryl" and last name "Slater" clearly distinguishable.

Darryl Slater  
Assistant Regional Water Manager