



# Province of British Columbia

## *Water Sustainability Act*

### CONDITIONAL WATER LICENCE

The holder of a Crown land tenure held under Land File No. 1409814 to which this licence is appurtenant is hereby authorized to divert and use water as follows:

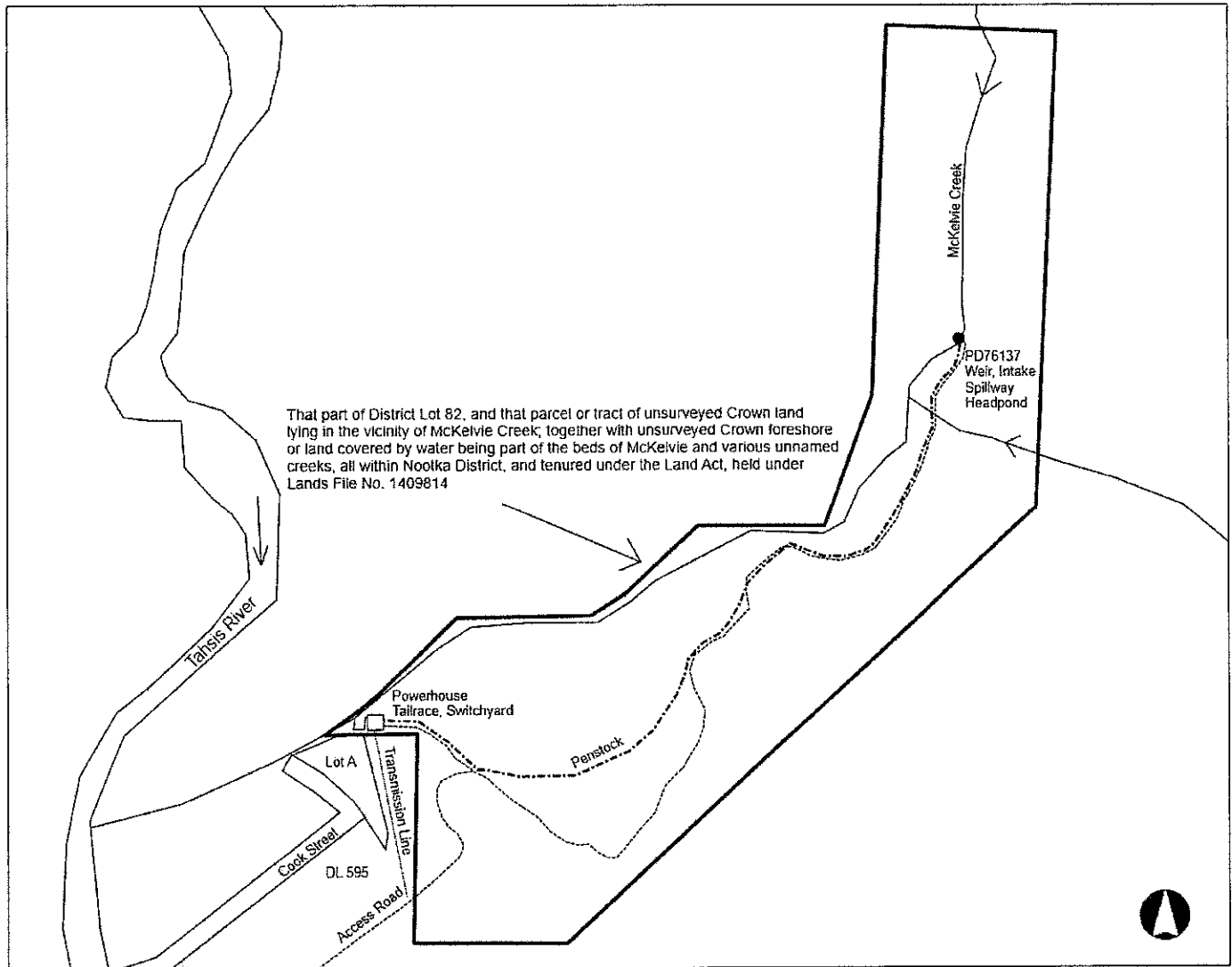
- a) The stream on which the rights are granted is McKelvie Creek.
- b) The point of diversion is located as shown on the attached plan.
- c) The date from which this licence shall have precedence is October 14, 2008.
- d) The purpose for which this licence is issued is power (general). The power is to be generated with the McKelvie Creek Generating Station.
- e) The maximum quantity of water which may be diverted for power (general) purpose is 2.55 cubic metres per second, subject to a minimum flow of 0.015 cubic metres per second being allowed to pass the intake structure on McKelvie Creek.
- 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 this licence is appurtenant is the land upon which the powerhouse of the McKelvie Creek Generating Station is situated, described as That part of District Lot 82, and that parcel or tract of unsurveyed Crown land lying in the vicinity of McKelvie Creek; together with unsurveyed Crown foreshore or land covered by water being part of the beds of McKelvie and various unnamed creeks, all within Nootka District, and tenured under the *Land Act*, held under Lands File No. 1409814.
- h) The works authorized for the McKelvie Creek Generating Station are:
  1. an intake structure, weir, spillway and headpond;
  2. penstock;
  3. access road;
  4. a powerhouse, tailrace and switch yard; and
  5. a 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 Water Manager (WM):
  - 1. retain a professional engineer registered in the province of British Columbia (the Independent Engineer - IE) who will provide services to the WM for the regulation of construction of the works;
  - 2. retain a person with professional qualifications (the Environmental Monitor - EM) who will provide services to the WM, 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 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. 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 WM.
  
- k) Before undertaking construction of any component of works for which 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 WM for the measurement of in-stream flows and 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 WM.
  
- m) As-built, record drawings, or equivalent must be submitted to the WM 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 WM within one year of receiving the leave to commence diversion and operation.

- o) The licensee is required to release an additional 0.05 cubic metres per second of flow past the diversion point on McKelvie Creek in order to accommodate the pumping parameters of the Village of Tahsis water supply system. This volume of water can be returned for power generation purpose at such time when the intake system on McKelvie Creek for the Village of Tahsis waterworks is discontinued from use.
- p) This water licence and its requirements have been issued supplemental to Conditional Water Licence C132934.
- q) 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 land.
- r) The term of this licence is 40 years from the date of issuance of licence C129850, dated February 21, 2014.



Darryl Slater  
Water Manager



WATER DISTRICT: Alberni  
 PRECINCT: Alberni  
 LAND DISTRICT: Nootka

Signature:   
 Date: MAR 01 2016

LEGEND:

Scale: 1: 7,500

Point of Diversion: ●

Map Number: 92E.097.2.4


Pipe: - - - - -

Amended C.L. C132935

File 1002678

P.C.L. Not Applicable

Supersedes Conditional Water Licence C129850.

The boundaries of the land to which this licence is appurtenant are shown thus: 



**ORDER**

***Water Sustainability Act***

**Section 26 (e)**

File No: 1002678

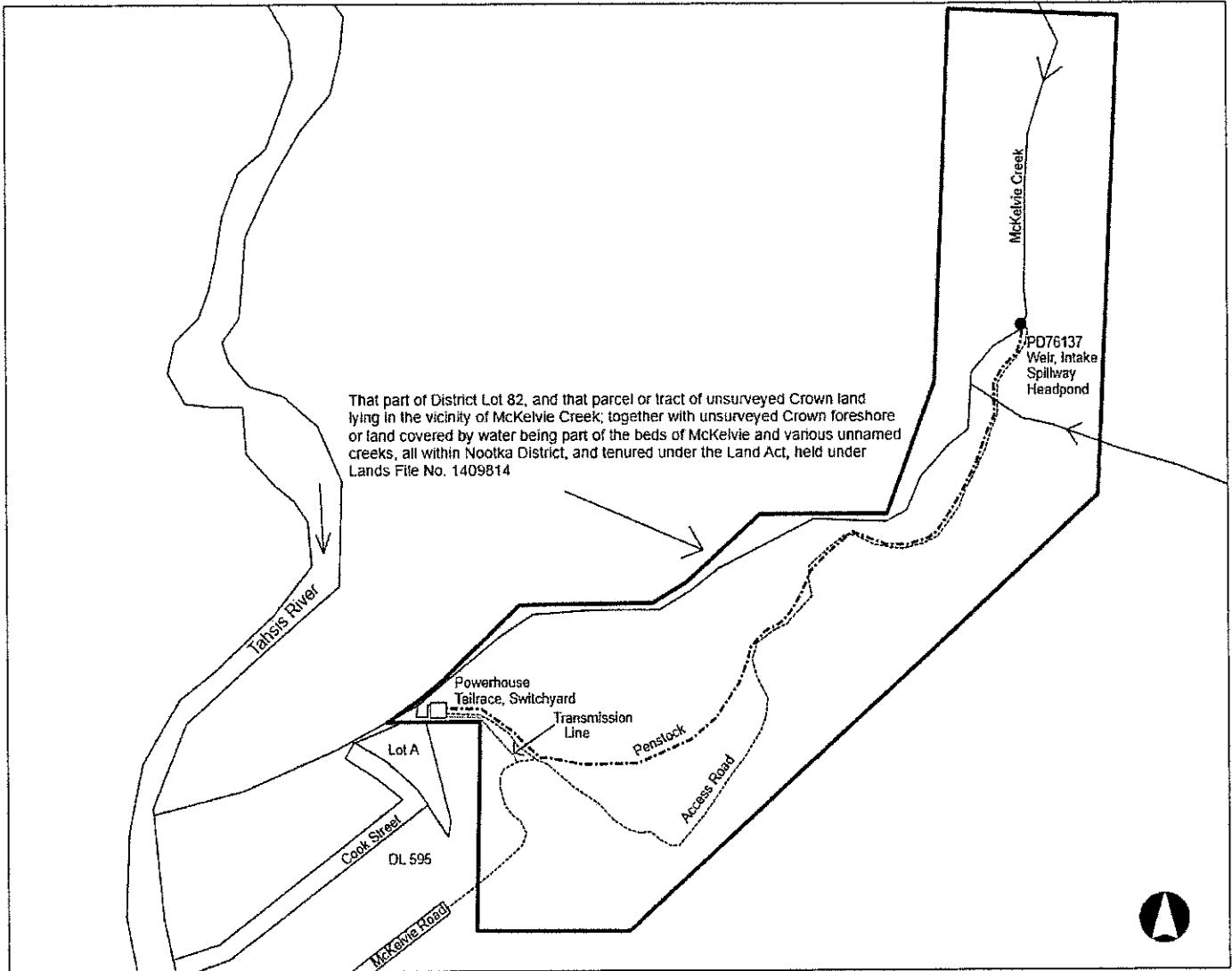
In the matter of Conditional Water Licence No. C132935 which authorizes the diversion and use of water from McKelvie Creek for power (general) purpose and is appurtenant to that part of District Lot 82, and that parcel or tract of unsurveyed Crown land lying in the vicinity of McKelvie Creek; together with unsurveyed Crown foreshore or land covered by water being part of the beds of McKelvie and various unnamed creeks, all within Nootka District, and tenured under the *Land Act*, held under Lands File No. 1409814.

Having determined the location of the authorized works referenced as transmission line and access road are inaccurately described on the accompanying plan of Conditional Water Licence No. C132935, and being satisfied that no person's rights will be injuriously affected, I hereby amend the accompanying plan of said licence.


Upon the date of this Order, the attached plan supersedes the accompanying plan of Conditional Water Licence No. C132935 dated March 1, 2016.

DATED at Nanaimo, British Columbia, this 31<sup>st</sup> day of March, 2016.

Darryl Slater  
Water Manager



WATER DISTRICT: Alberni  
 PRECINCT: Alberni  
 LAND DISTRICT: Nootka

Signature:   
 Date: MAR 31 2016

LEGEND:

Scale: 1: 7,500

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