

PROVINCE OF MANITOBA

DEPARTMENT OF MINES AND NATURAL RESOURCES

WATER RESOURCES BRANCH

INTERIM LICENSE FOR THE REGULATION OF WATER LEVELS FOR WATER POWER PURPOSES

Lakes Winnipeg, Playgreen, and Kiskittogisu

Issued in accordance with the provisions of the Water Power Act, Chapter W70, Revised Statutes of Manitoba, 1970, and amendments, and of the Regulations in force thereunder to govern the mode of granting and administering Provincial water-power rights.

WHEREAS Manitoba Hydro, a corporation duly incorporated by Act of the Legislature of the Province of Manitoba, and whose head office address is Box 815, Winnipeg 1, Manitoba, (hereinafter called "the Licensee"), by letter dated September 22, 1970, signed by David Cass-Beggs, Chairman, and by other documents attached hereto, has filed with the Director of Water Resources at Winnipeg, (hereinafter called "the Director"), an application for a license to regulate the water levels of Lakes Winnipeg, Playgreen, and Kiskittogisu for the development of water power; and,

WHEREAS Provincial lands as defined in the Water Power Act, R.S.M. 1970, Cap. W70, (hereinafter called "the Act"), are required to be used or occupied by the Licensee in carrying out the undertaking for which this Interim License is granted, the nature of the said undertaking being the construction at or near the outlet of Lake Winnipeg of a diversion channel from Lake Winnipeg to Playgreen Lake; a diversion channel from Playgreen Lake to Kiskittogisu Lake; river channel excavations at the Metchanais Rapids and Ominawin Rapids channels; two gated control structures, across the Metchanais Rapids and Ominawin Rapids channels, each being of reinforced concrete with two adjacent dams of rock fill; and all necessary machinery and equipment required for regulating water levels for the production of electric power for industrial and general purposes, as shown or described more particularly by means of the record plans and data filed with the Director, as specified hereinafter; and,

WHEREAS the Licensee has fully complied with the requirements of the Manitoba Water Power Regulations, being Manitoba Regulation 95/45 and all

amendments thereto (hereinafter called "the Regulations"), insofar as it is required for the issue to the Licensee of this Interim License; and,

WHEREAS the Licensee has duly executed an acceptance of the terms and conditions of this Interim License and has undertaken to observe and fulfill all the terms and conditions which under this Interim License and under the Regulations the Licensee is required to observe or fulfil;

NOW THEREFORE, under authority of and subject to the provisions of the Act and Regulations, this Interim License is issued, granting to the Licensee:

- (a) The right to regulate the levels of Lakes Winnipeg, Playgreen, and Kiskittogisu for the development of water power, and
- (b) The right to construct, operate and maintain the undertaking, the location and description of which are shown upon the record plans numbered and filed in the office of the Director at Winnipeg, except as the said undertaking may be modified or extended with the approval of the Minister of Mines and Natural Resources (hereinafter called "the Minister"), in accordance with plans previously submitted and approved.

Subject, nevertheless, to the provisions of the Regulations and of any other regulations now or hereinafter in force governing the granting or administering of Provincial lands required in connection with the regulation of water levels for the development of water power, and to the following special terms and conditions, namely:

1. Prior to the construction of any works, plans therefor shall be submitted to the Director for approval, and the Licensee shall not commence construction of any works until the Director has approved the plans therefor.
2. For the purposes of considering plans submitted under Article 1 hereof, the Director may require the Licensee to obtain and submit to him such information, reports, and evidence as the Director deems necessary.
3. Subject to Article 1 hereof, the Licensee may enter upon, use and occupy for making surveys and investigations and constructing works as may be deemed necessary for the undertaking, such lands of the Province as may reasonably be required for the said purposes and may flood such lands as are designated on a plan identified as No. 39-2-1124, or as such plan may be amended

and limited from time to time by the Minister provided that, when so requested in writing by the Director, following completion of the works and the commencement of the regulation of water levels, the Licensee shall cause a survey to be made and a plan prepared by a Manitoba Land Surveyor showing in detail the lands required to be occupied for the works and the lands required for flooding purposes only. Such survey shall be limited to include only such areas for the said purposes as the Director may approve and shall be prepared in accordance with Section 24 of the Regulation.

4. The Licensee shall also from time to time in accordance with Section 24 of the Regulations cause surveys to be made and plans prepared by a Manitoba Land Surveyor of all lands required as right-of-way for transmission lines, roads, railways, and other purposes of the undertaking, as the locations thereof become defined, as distinct from those purposes described in Article 3 hereof.
5. Subject to approval of plans of the works under Article 1 hereof, the Licensee may construct the following works:
 - (a) Two diversion channels, one from Lake Winnipeg to Playgreen Lake and the other from Playgreen Lake to Kiskittogisu Lake.
 - (b) River channel excavations at the Metchanais Rapids and Ominawin Rapids channels.
 - (c) Two gated control structures, across the Metchanais and Ominawin Rapids channels, each being of reinforced concrete with two adjacent dams of rock fill.
 - (d) All necessary machinery and equipment required for regulating water levels in Lakes Winnipeg, Playgreen, and Kiskittogisu.
6. The Licensee may regulate water levels in Lakes Winnipeg, Playgreen, and Kiskittogisu to and between the following elevations, all elevations being specified in feet above mean sea level, Canadian Geodetic Datum (with wind effect eliminated):
 - (a) Lake Winnipeg - maximum 715.0 and minimum 711.0,
 - (b) Playgreen Lake - maximum 714.9 and minimum 707.0, measured at the north end of Playgreen Lake,
 - (c) Kiskittogisu Lake - maximum 714.8 and minimum 706.0,subject, however, to the provisions of Section 72 of the Regulations, which reads as follows:

"72. Every license shall be deemed to have been executed on the express condition that the licensee shall—

(a) Divert, use or store the water authorized to be diverted, used, or stored by him in such a manner as not to interfere in the opinion of the Minister, with the maximum advantageous development of the power and other resources of the river or stream upon which his works are located;

(b) Conform to and comply with any orders in respect of the control or regulation of the flow of the waters of such river or stream as may be made from time to time by the Minister or any person authorized by the Minister in that behalf;

(c) At no time cause or permit the surface-level of the waters of such river or stream or of any storage reservoir operated by him to be raised or lowered beyond the limits which shall be fixed from time to time by the Minister or by a person authorized by the Minister in that behalf."

7. The Licensee shall, during periods when the water level in Lake Winnipeg is above elevation 715.0 feet above mean sea level, Canadian Geodetic Datum, operate the said two control structures across the Metchanais and Ominawin Rapids channels in such a manner as to effect the maximum discharge possible under the circumstances then prevailing until the water level of the said lake recedes to elevation 715.0 feet above mean sea level, Canadian Geodetic Datum.
8. The Licensee shall operate the said two control structures across the Metchanais and Ominawin Rapids channels in such a manner that the combined outflow of water from Lake Winnipeg through the natural and artificial channels at any time shall not be less than 25,000 cubic feet per second.
9. Subject to Article 8 hereof, and except as may be otherwise authorized by the minister under Section 72 of the Regulation, the Licensee shall regulate the water level of Lake Winnipeg so as to prevent the water level from receding below elevation 711.0 feet above mean sea level, Canadian Geodetic Datum.
10. Notwithstanding any other terms or conditions of this Interim License, the Licensee shall, during periods when the water level in Lake

Winnipeg is below elevation 711.0 feet above mean sea level, Canadian Geodetic Datum, operate the said two control structures as ordered by the minister under Section 72 of the Regulation.

11. On the first day of each and every month, the Licensee shall submit a report to the Director showing the schedule for operating the two said control structures for the ensuing three month period, together with the expected daily discharges from, and water levels on, Lakes Winnipeg, Playgreen, and Kiskittogisu.
12. Subject to Article 10 hereof, but notwithstanding any other terms or conditions of this Interim License, the Licensee shall operate the two said control structures in such a manner that any increase or decrease in the rate of the combined outflow from Lakes Playgreen and Kiskittogisu during any 24 hour period shall not exceed 15,000 cubic feet per second.
13. During the term of this Interim License, the Licensee shall pay a rental for the use and occupation of those lands of the Province described in Articles 3 and 4 hereof which are situated within the Severance Line designated on a plan identified as No. 39-2-1183, in such amounts or at such rates as may be fixed by the Lieutenant Governor in Council.
14. The plans filed by the Licensee and made a part of this Interim License are as follows:

| <u>Manitoba Water Resources Branch File Number</u> | <u>Licensee's File Number</u> | <u>Description</u> |
|--|-----------------------------------|---|
| 39-2-1180 | 05 0-D-0303 (Rev.0) | Location general arrangement and cross-sections of development |
| 39-2-1183 | -- | Map showing severance line specified in license issued to Manitoba Hydro under the Water-Power Act for regulating Lakes Winnipeg, Playgreen and Kiskittogisu |
| 39-2-1184 | -- | Map showing lands authorized to be flooded under license issued to Manitoba Hydro under the Water Power Act for regulating Lakes Winnipeg, Playgreen, and Kiskittogisu. |

15. Upon the satisfactory completion by the Licensee of the undertaking and upon the due observance and fulfillment by it of all the terms and conditions required by this Interim License and under the Regulations to be by it observed and fulfilled, the Minister shall and will issue in favour of the Licensee a Final License for the regulation of water levels, and for the use or occupation of those lands of the Province which, in the Minister's opinion, are required for the proper operation and maintenance of the works authorized. The said Final License shall be issued subject to the regulations then in force and shall embody such matters as the Minister may determine in accordance with the Regulations, and the following terms and conditions, namely:

- (a) The undertaking in respect of which the Final License is to be issued is to comprise:
 - (i) Two diversion channels, one from Lake Winnipeg to Playgreen Lake and the other from Playgreen Lake to Kiskittogisu Lake.
 - (ii) River channel excavations at the Metchanais Rapids and Ominawin Rapids channels.
 - (iii) Two gated control structures, across the Metchanais Rapids and Ominawin Rapids channels, each being of reinforced concrete with two adjacent dams of rock fill.
 - (iv) All necessary machinery and equipment required for regulating water levels in Lakes Winnipeg, Playgreen, and Kiskittogisu.
- (b) The Licensee may regulate water levels in Lakes Winnipeg, Playgreen and Kiskittogisu to and between the following elevations, all elevations being specified in feet above mean seal level, Canadian Geodetic Datum (with wind effect eliminated):
 - (i) Lake Winnipeg - maximum 715.0 and minimum 711.0
 - (ii) Playgreen Lake - maximum 714.9 and minimum 707.0, measured at the north end of Playgreen Lake,
 - (iii) Kiskittogisu Lake - maximum 714.8 and minimum 706.0, subject, however, to the provisions of Section 72 of the Regulations which reads as follows:

"72. Every license shall be deemed to have been executed on the express condition that the licensee shall--

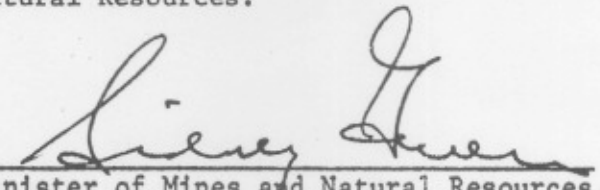
- (a) Divert, use, or store the water authorized to be diverted, used, or stored by him in such a manner **as not to interfere in the opinion of the Minister,** with the maximum advantageous development of the power and other resources of the river or stream upon which his works are located;
- (b) Conform to and comply with any orders in respect of the control or regulation of the flow of the waters of such river or stream as may be made from time to time by the Minister or any person authorized by the Minister in that behalf;

(c) At no time cause or permit the surface-level of the waters of such river or stream or of any storage reservoir operated by him to be raised or lowered beyond the limits which shall be fixed from time to time by the Minister or by a person authorized by the Minister in that behalf."

- (c) The Licensee shall, during periods when the water level in Lake Winnipeg is above elevation 715.0 feet above mean sea level, Canadian Geodetic Datum, operate the said two control structures across the Metchanais and Ominawin Rapids channels in such a manner as to effect the maximum discharge possible under the circumstances then prevailing until the water level of the said lake recedes to elevation 715.0 feet above mean sea level, Canadian Geodetic Datum.
- (d) The Licensee shall operate the said two control structures across the Metchanais and Ominawin Rapids channels in such a manner that the combined outflow of water from Lake Winnipeg through the natural and artificial channels at any time shall not be less than 25,000 cubic feet per second.
- (e) Subject to Article 8 of the Interim License, and except as may be otherwise authorized by the minister under Section 72 of the Regulations, the Licensee shall regulate the water level of Lake Winnipeg so as to prevent the water level from receding below elevation 711.0 feet above mean sea level, Canadian Geodetic Datum.
- (f) Notwithstanding any other terms or conditions of this Final License, the Licensee shall, during periods when the water level in Lake Winnipeg is below elevation 711.0 feet above mean sea level, Canadian Geodetic Datum, operate the said two control structures as ordered by the minister under Section 72 of the Regulations.
- (g) On the first day of each and every month, the Licensee shall submit a report to the Director showing the schedule for operating the two said control structures for the ensuing three month period, together with the expected daily discharges from, and water levels on, Lakes Winnipeg, Playgreen, and Kiskittogiou.

- (h) Subject to Article 10 of the Interim License, but notwithstanding any other terms or conditions of the Interim License, the Licensee shall operate the two said control structures in such a manner that any increase or decrease in the rate of the combined outflow from Lakes Playgreen and Kiskittogisu during any 24 hour period shall not exceed 15,000 cubic feet per second.
 - (i) During the term of the Final License, the Licensee shall pay a rental for the use and occupation of those lands of the Province described in Articles 3 and 4 of the Interim License which are situated within the Severance Line designated on a plan identified as No. 39-2-1183, in such amounts or at such rates as may be fixed by the Lieutenant Governor in Council.
 - (j) The term of the Final License shall be fifty (50) years from the date of issuance thereof and shall be subject to renewal or extension in accordance with the provisions of the Laws and Regulations relating thereto and then in force.
 - (k) The Severance Line as defined in Section 1 of the Regulations shall be shown in red and marked "Severance Line" upon record plan No. 39-2-1183, on file in the office of the Director.
16. All record plans filed with the Director and referred to in this Interim License are incorporated herewith and made a part hereof.
17. This Interim License is issued upon the express concition that it shall be subject to the provisions of the Regulations and all amendments thereto.

Issued at Winnipeg this *18th* day of *November* A.D. 1970 at the direction of the Honourable Minister of Mines and Natural Resources.


Minister of Mines and Natural Resources.