

PROVINCE OF MANITOBA
DEPARTMENT OF NATURAL RESOURCES
WATER RESOURCES BRANCH

FIRST RENEWAL LICENCE FOR THE DEVELOPMENT OF WATER POWER

Great Falls Site, Winnipeg River

Issued in accordance with the provisions of The Water Power Act, being Chapter W60 of the Continuing Consolidation of the Statutes of Manitoba, and of the Regulations in force thereunder to govern the mode of granting and administering Provincial water power rights.

WHEREAS the Manitoba Power Company Limited in the Province of Manitoba, was granted by a Final Licence (herein called "the Final Licence") dated June 3, 1936 for a term of fifty (50) years from January 1, 1932 the right to impound, divert, and use the waters of the Winnipeg River at the Great Falls site (hereinafter called "the site") to generate electricity, and to use and occupy lands of the Province as may be required for the operation and maintenance of the works at the site; and

WHEREAS the Manitoba Power Company Limited became known as the Winnipeg Electric Company; and

WHEREAS as the result of the amalgamation of the Winnipeg Electric Company and the Manitoba Hydro Electric Board on April 1, 1961, the Final Licence was transferred to Manitoba Hydro, a corporation duly incorporated by an Act of the Legislature of the Province of Manitoba, and whose Head Office address is 820 Taylor Avenue, P.O. Box 815, Winnipeg, Manitoba, R3C 2P4 (hereinafter called "the Licensee") under the same terms and conditions; and

WHEREAS the Licensee on January 19, 1978, formally applied for renewal of the Final Licence (called the "First Renewal Licence" and hereinafter called the "Renewal Licence") for a term of fifty (50) years from January 1, 1982; and

WHEREAS the Licensee, undertook a major refurbishment of the site which included reconstruction of the powerhouse, gravity dam, and spillway between September 5, 1975, and December 4, 1981, and considers the site to be useful for at least another 50 years; and

WHEREAS the Final Licence expired on December 31, 1981; and

WHEREAS Article 6 of the Final Licence stated that the forebay should be operated "not higher than elevation 808.0 feet, Winnipeg River Survey Datum; provided that it may temporarily, until the commencement of a development at the McArthur Falls site, maintain such headwater at such elevation not exceeding 814.0 feet, as may from time to time be approved by the Minister", which Article was intended to provide for maximum generation at Great Falls while preserving the full potential development of the McArthur Falls site by a potential licensee other than Manitoba Hydro; and

WHEREAS the Licensee commenced the McArthur development in 1953, fully commissioned it in 1955, and under normal conditions continued to operate the Great Falls forebay at elevation 812 feet, Geodetic Survey of Canada, 1929 Adjustment, the hydraulic conditions being such that any loss at McArthur tailrace is gained at Great Falls forebay; and

WHEREAS Article 3 of the Final Licence authorized "a power-house with 168 000 horsepower of generating equipment"; and

WHEREAS the Director of the Manitoba Water Resources Branch (hereinafter called the "Director") on May 8, 1990, concurred that changes in output capacity be incorporated in this Renewal Licence; and

WHEREAS the Licensee has done all the things which in the opinion of the Director are required to be done prior to the issuance of a Renewal Licence; and

~~MONTH, DAY, YEAR~~
JANUARY 4, 1999

WHEREAS the Licensee has on ~~MONTH, DAY, YEAR~~ duly executed an acceptance of the terms and conditions of this Renewal Licence, and has undertaken to observe and fulfil all the terms and conditions of the Renewal Licence under The Water Power Act C.C.S.M. Cap. W60, Manitoba Regulation 25/88R (hereinafter called "the Regulation"), and all amendments thereto as may be made from time to time.

NOW THEREFORE, under authority of and subject to the provisions of The Water Power Act (hereinafter called the "Act") and the Regulation, this Renewal Licence is issued, authorizing the Licensee:

- a) to divert, use, or store waters of the Winnipeg River (hereinafter called the "River") at and near the site for the generation of electric power and energy; and
- b) to occupy, or use lands of the Province described in Section 4 in order to generate, transmit, distribute, sell, and deliver electric power and energy; and
- c) to operate, and maintain the undertaking described in Section 2 of this Renewal Licence.

This Renewal Licence is subject to the provisions of the Act and the Regulation, and to any other Acts or Regulations now or hereinafter in force governing the administration of the provincial water powers and lands required in connection with the development or use thereof. This Renewal Licence is also subject to the following terms and conditions:

1. The Licensee may divert, and use continuously for the development of power at the site all the water of the River which may be flowing at the site from time to time during the term of this Renewal Licence. However, in accordance with Section 72 of the Regulation, this Renewal Licence is issued on the express condition that the Licensee shall:
 - a) divert, use, or store the water authorized to be diverted, used, or stored by it in such a manner as not to interfere, in the opinion of the Minister of Natural Resources (hereinafter called "the Minister"), with the maximum advantageous development of the power and other resources of the River;
 - b) conform to, and comply with any orders in respect of the control, or regulation of the flow of the waters of the River as may be made from time to time by the Minister, or any person authorized by the Minister in that regard; and
 - c) at no time cause, or permit the surface level of the waters of the River, or of any storage reservoir operated by the Licensee 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 regard.
2. The undertaking authorized to be maintained and operated by the Licensee under this Renewal Licence shall consist of the following:
 - A reinforced concrete powerhouse with six (6) vertical shaft hydroelectric turbines, with a total capacity of one hundred and eighty-two thousand three hundred (182 300) horsepower;
 - a reinforced concrete gravity dam, and adjoining reinforced concrete spillway with four (4) sluices, and vertical lift gates capable of discharging one hundred and fifty four thousand (154 000) cubic feet of water per second at a forebay level of 813.0 feet above mean sea level, Canadian Geodetic Datum, 1929 adjustment;
 - a main earth dam flanking these concrete structures;
 - dykes extending from the extremities of the main earth dam;
 - transmission lines to transmit energy generated at the site to:
 - i) the Selkirk Generating Station switchyard with rights-of-way described in plans 3138, 3140, 3141, and 3164 all registered in the Winnipeg Land Titles Office (WLTO);
 - ii) the terminal at Lac du Bonnet with rights-of-way described in plans 2825, 3399, and 3403 all registered in the WLTO; and
 - iii) the terminal in the Pine Falls Generating Station with rights-of-way described in plans 2826, and 3041 registered in the WLTO; and

- all plant machinery and equipment requisite for the complete development and utilization of the power economically available at the said site, together with such other approved works as have been constructed for purposes of the undertaking, all as shown by plans and descriptions thereof filed in the office of the Director, and as described in Section 3 of this Renewal Licence.

3. The following approved plans filed by the Licensee in the office of the Director constitute part of this Renewal Licence, and supersede drawings set forth in the Final Licence.

Manitoba Water Resources Branch Plan number	Licensee's drawing number	Description
General		
21-3-1024	00103-E-00426	Location Plan
21-3-1025	00103-E-00229, Sheet 1 of 3	Severance Line And Lands Required For Flooding And Other Purposes
Dams, dykes and related structures		
21-3-3029	00103-E-00429	Location of New Structures
21-3-3002	4134	Sections of Rock Fill Dam & Earth Embankment
21-3-3030	00103-E-01203	East Non-Overflow Dam – Concrete
21-3-3031	00103-E-03929	Thermal Fill, Drainage System And Access Development Over Existing Concrete Structures. Plan And Sections
21-3-3011	618-4 W	Wing Wall At Junction Between The Concrete And Rock Fill Dams
21-3-3032	00103-E-01205, Sheet 2	West Non-Overflow Dam – North P.H. Wall Modification
21-3-3009	3068-1 W	Non-Overflow Section Between Power House And West Bank (showing South Wing Wall)
21-3-1028	00103-D-00205	Plan & Profile & cross-Sections; Reconstruction of West Dykes
Power House and Spillway		
21-3-1026	00103-D-00229, Sheet 2 of 3	Severance Line And Lands Required For Flooding And Other Purposes - Powerhouse And Spillway Detail
21-3-2008	3014	General Arrangement Of Power House
21-3-2009	4133-4	General Plan Of Powerhouse (Plan view)
21-3-2007	4072-4	General Plan Of Powerhouse (and extension)
21-3-2012	103-12-192	From S. Morgan Smith Company - (cross section of unit)
21-3-2010	00103-E-01021	Spillway, General Arrangement
21-3-2011	00103-E-01198	Spillway; Base Slab And Rollway; Concrete
Whitemud Cut		
21-3-1027	00103-D-00229, Sheet 3 of 3	Severance Line And Lands Required For Flooding And Other Purposes - Whitemud Cut Detail
21-3-1022	3088.W.-10	Cross Sections Of Whitemud Cut
21-3-1029	00103-C-03921	White Mud Falls Channel Layout Plan

4. Lands of the Province which may be entered upon, used, or occupied for the maintenance and operation of the undertaking are all located in Township 17, Range 11, East of the Principal Meridian, comprise 1330.3 acres and shall be the following:
- Lands of the province not covered by water required for main diverting works, powerhouse, etc. as shown on Plan Nos. 21-3-1025, 21-3-1026, and 21-3-1027 filed in the office of the Director, comprise 78.7 acres.
 - Lands of the province covered by water required for main diverting works, powerhouse, etc. as shown on Plan Nos. 21-3-1025, 21-3-1026, and 21-3-1027 filed in the office of the Director, comprise 17.7 acres.
 - Lands of the province required only to be flooded in connection with the storage or pondage of water as shown on Plan No. 21-3-1025 filed in the office of the Director, comprise 914.5 acres.
 - Lands of the province required only for transmission line rights-of-way as shown on Plan No. 21-3-1025 (00103-E-00229, Sheet 1 of 3), and those plans nos. as indicated under transmission lines in Section 2, comprise 319.4 acres.

5. The Licensee shall not raise the headwater of the development, as measured at the powerhouse higher than the wind eliminated elevation of 813.6 feet above mean sea level, Canadian Geodetic Datum, 1929 adjustment (814.0 feet, Winnipeg River Survey Datum). A higher elevation may be created only with written permission from the Minister in accordance with Section 72 of the Regulation.
6. In accordance with Section 45 of the Regulation, the term of this Renewal Licence shall be fifty (50) years from and after January 1, 1982, and this Renewal Licence shall thereafter be subject to renewal or extension in accordance with the provisions of the laws and Regulations relating thereto and then in force.
7. The Licensee shall pay a land rental during the term of this Renewal Licence for the use, occupancy, and flooding of lands of the Province in accordance with the Regulation then in force, or as may be amended under Section 48 of the Regulation. This rental shall be determined by the rate prescribed in Section 48(3.1(a)) of the Regulation, and by the area described in Section 4 hereof.
8. The Licensee shall pay water use rentals during the term of this Renewal Licence for the development of electric power, determined in accordance with the Regulation then in force, or as may be amended under Section 48 of the Regulation, and at a rate as prescribed in Section 48(3.2) of the Regulation.

The Licensee shall, in accordance with Section 48(3.4) of the Regulation, or as may be directed by the Director, submit all data required by the Director for the determination of water use rental for the rental period. The Director shall thereupon prepare and submit to the Licensee a statement of water rental due for the rental.

9. The Severance Line as defined in Section 1 of the Regulation shall be as shown on Plan No. 21-3-1025 filed in the office of the Director.
10. All plans filed with the Director and referred to in this Renewal Licence are incorporated herewith and made a part hereof.
11. The Licensee shall at the request of the Director cause additional surveys to be made and plans prepared by a Manitoba Land Surveyor showing in detail the lands required to be occupied for the purposes of the power development, the lands required for flooding purposes only, the lands required as rights-of-way for transmission lines, roads, railways, drains, and other purposes, and revisions to the severance line. Such survey shall be limited to include only such areas for the said purposes as the Director may approve.
12. This Renewal License is issued upon the express condition that it shall be subject to the provisions of the Act and the Regulation, and all subsequent amendments thereto as may be made from time to time.

ISSUED at Winnipeg this *10th* day of *February*, *1999*, A.D. at the direction of the Honourable Minister of Natural Resources.

Original Signed By: Minister