

PROVINCE OF MANITOBA
DEPARTMENT OF AGRICULTURE AND CONSERVATION
WATER CONTROL AND CONSERVATION BRANCH

FINAL LICENSE FOR THE DEVELOPMENT OF WATER POWER

McArthur Falls Site, Winnipeg River

Issued in accordance with the provisions of the Water Power Act, Chapter 288, Revised Statutes of Manitoba, 1954, 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 820 Taylor Avenue in the City of Winnipeg, (hereinafter called "the Licensee") has completed and is operating a hydro-electric development at the McArthur Falls site on the Winnipeg River in the Province of Manitoba;

AND WHEREAS the said development has been constructed in accordance with plans filed with and approved by the Director of Provincial Water Powers at Winnipeg, (hereinafter called "the Director") but without the issue to the Licensee of an Interim License under the provisions of the Water Power Act, R.S.M. 1954, Cap. 288 (hereinafter called "the Act") and the Manitoba Water Power Regulations being Manitoba Regulation 95/45 and all amendments thereto (hereinafter called "the Regulations");

AND WHEREAS the Licensee by letter dated September 14, 1959, signed by D. M. Stephens, Chairman and General Manager, has applied to the Director for a Final License for the said McArthur Falls Development, and the Licensee has done all those things which in the opinion of the Director are required to be done prior to the issue of the said Final License;

AND WHEREAS the Licensee has duly executed an acceptance of the terms and conditions of this Final License and has undertaken to observe and fulfill all the terms and conditions which under this Final License and under the Act and Regulations thereunder the said Licensee is required to observe and fulfill;

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

- (a) The right to impound, divert and use waters of the Winnipeg River at and near the McArthur Falls Site,
- (b) The right to develop electric power and energy from the said waters,
- (c) The right to generate, transmit, distribute, sell and deliver the said electric power and energy and for that purpose to use and occupy the lands of the Province hereinafter described, and
- (d) The right to operate and maintain the undertaking, the location and description of which is shown upon the record plans numbered and filed in the office of the Director at Winnipeg.

SUBJECT, nevertheless, to the provisions of the Regulations and any other regulations now or hereafter in force governing the granting and administering of Provincial water-powers and the lands required in connection with the development and use thereof, and to the following special terms and conditions, namely:

1. The Licensee may divert and use continuously for the development of power at the said McArthur Falls site all the water of the Winnipeg River which may be flowing at the said site from time to time during the term of this Final License, subject, however, to the provisions of Section 72 of the Regulations.
2. The undertaking authorized to be maintained and operated by the Licensee under this Final License shall comprise the following: a concrete dam with sluice-gates and non-overflow sections; an earth-fill dam; a powerhouse with eight vertical type units of 10,000 horsepower capacity; dykes; switching-station; transmission line; and all necessary works, machinery and equipment for the complete development, generation and transmission of electric power available at the said McArthur Falls site, all as shown by plans and descriptions thereof filed in the office of the said Director at Winnipeg, as follows:

Manitoba Water Control
and Conservation Branch
File Number

Licensee's
File Number

Description

Manitoba Water Control and Conservation Branch File Number	Licensee's File Number	Description
21-4-1051	520-C-1123 (Rev. A) B	Earth Embankment, Location Plan, North Section
21-4-1053	520-C-1125 (Rev. A)	Earth Embankment, Location Plan, Centre Section
21-4-1052	520-C-1124 (Rev. A)	Earth Embankment, Location Plan, South Section
21-4-1054	520-C-1126 (Rev. A)	Earth Embankment, Sections and Details
21-4-3006	520-D-1045 (Rev. A)	Main Sluiceway, Plan, Ele- vations and Sections, Concrete Details
21-4-3007	520-D-1039 (Rev. A)	Powerhouse, General Arrange- ment, Typical Cross Sections
21-4-3008	520-D-1041 (Rev. A)	Powerhouse, Upstream Elevation
21-4-3009	520-D-1042 (Rev. A)	Powerhouse, Downstream Elevation
21-4-3010	520-D-1043 (Rev. A)	Powerhouse, End Elevations
21-4-1055	520-B-1404 (Rev. E)	Earth Embankment No. 1 Centre Dyke, Plan and Sections
21-4-1066	520-C-1174 (Rev. B)	Earth Embankment Profile

3. Lands of the Province which may be entered upon, used or occupied for the maintenance and operation of the said works shall be the following:

(a) Lands of the Province not covered by water required for main diverting works, powerhouses, etc.

All those parts of the following lands not covered by the waters of the Winnipeg River as shown outlined in green on Record Plan No. 21-4-1057 filed in the office of the said Director at Winnipeg and which is the Licensee's No. 0108-E-0227 (Rev. 0):

- (i) The west half and north-east quarter of Section Thirty-four (34) in Township Sixteen (16) and Range Eleven (11) East of the Principal Meridian in Manitoba.
- (ii) The south-east quarter of Section Three (3) and the south-west quarter and Legal Subdivision Two (2) of

Section Two (2), all in Township Seventeen (17) and Range Eleven (11) East of the Principal Meridian in Manitoba.

- (iii) Road allowance between the said north-east quarter of Section Thirty-four (34) and south-east quarter of Section Three (3).
- (iv) Road allowance between the said south-east quarter of Section Three (3) and south-west quarter of Section Two (2).

- (b) Lands of the Province covered by water required for main diverting works, powerhouses, etc.

All those parts of the south-east quarter of Section Three (3) and the south-west quarter of Section Two (2), all in Township Seventeen (17) and Range Eleven (11) East of the Principal Meridian in Manitoba, covered by the waters of the Winnipeg River as shown outlined in red on the said Plan No. 21-4-1057.

- (c) Lands of the Province required only to be flooded in connection with the storage or pondage of water

All those portions of the following Townships shown outlined in brown on the said Plan No. 21-4-1057, excepting thereout, first, all those lands heretofore described as required for works and, second, all those lands shaded yellow on the said Plan No. 21-4-1057:

- (i) Township Fourteen (14), Fifteen (15), Sixteen (16) and Seventeen (17) in Range Eleven (11) East of the Principal Meridian in Manitoba.
- (ii) Township Fifteen (15), Sixteen (16) and Seventeen (17) in Range Twelve (12) East of the Principal Meridian in Manitoba.
- (iii) Townships Sixteen (16) and Seventeen (17) in Range Thirteen (13) East of the Principal Meridian in Manitoba.
- (iv) Township Seventeen (17) in Range Fourteen (14) East of the Principal Meridian in Manitoba.

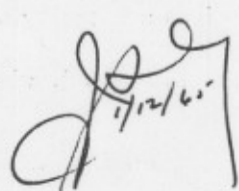
- 4. The Licensee shall not raise the headwater of its development to an elevation higher than 836.0 above mean sea level, Canadian Geodetic Datum, 1929 Adjustment. A higher elevation may be created only with prior written permission by the Director and in accordance with Section 72 of the Regulations.

5. The Licensee shall by purchase or otherwise acquire all necessary flooding rights on privately-owned lands forming the shores of the river above its development, and shall assume full responsibility for damage to such lands beyond the limits of the rights so acquired if caused by the operation of its development at headwater elevations above those from time to time authorized.
6. In accordance with Section 45 of the Regulations, the term of this Final License shall be fifty (50) years from and after the first day of January, A. D. 1955, and the said term 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. On the second day of January in each and every year during the term of this Final License the Licensee shall pay an annual rental in advance of three hundred dollars (\$300.00) for the use and occupation of lands of the Province described in Article 3 hereof.
8. The Licensee shall also pay an annual rental during the term of this Final License for the use of water for the development of power, determined in accordance with the principles set out in Section 48 of the Regulations and payable at the times and in the manner therein provided, and at the following rates:
 - (a) The rentals in the first twenty years of the term of this License shall be the greater of:
 - (i) An annual rental of fifty (50) cents per installed horsepower;
 - (ii) An annual rental of one dollar and twenty-five cents (\$1.25) per horsepower year output.
 - (b) The annual rental to be paid after the expiry of the said twenty year period shall be determined as provided in the regulations in force at such time.
9. The Licensee shall assume the proportionate share of the capital cost of water storage in Lake of the Woods and Lac Seul, which prior to the first day of January, A. D. 1955, was charged to the McArthur Falls site

as an undeveloped power site; and shall, commencing with an initial payment on the first day of January, A.D. 1956, make like equal annual payments on the first day of January in each succeeding year ending with the payment due on the first day of January, A.D. 1980. These annual payments shall be determined on the basis of an amortization of the capital cost of storage on Lake of the Woods and Lac Seul computed using an interest rate of five percent per annum over the period commencing on the first day of January, A.D. 1955, and ending on the first day of January, A.D. 1980. The Licensee shall also from the first day of January, A.D. 1955 pay annually the proportionate share chargeable to its development of the annual operating costs of the aforesaid storage; the first of such annual payments shall be made on the first day of January, A.D. 1956 and subsequent annual payments thereafter shall be made on the first day of January of each and every year until the termination of this license; each payment to represent the Licensee's share of the said annual operating costs for the preceding calendar year.

10. The Severance Line as defined in Section 1 of the Regulations shall be as shown in red and marked "Severance Line" upon the said Record Plan numbered 21-4-1050 filed in the office of the Director, and which is the Licensee's Drawing No. 0108-E-0223. (Rev.0).
11. All record plans filed with the Director and referred to in this Final License are incorporated herewith and made a part hereof.
12. This Final License is issued upon the express condition that it shall be subject to the provisions of the Regulations and all amendments thereto.

ISSUED at Winnipeg this 30th day of November A.D. 1965
at the direction of the Honourable the Minister of Agriculture and Conservation.

 George Sutton
Minister of Agriculture & Conservation