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DEPARTMENT OF MINES, RESOURCES AND ENVIRONMENTAL MANAGEMENT
WATER RESOURCES BRANCH

LICENCE TO IMPOUND, DIVERT AND USE WATER FOR POWER PRODUCTION PURPOSES

Issued in accordance with the provisions of
"THE WATER RIGHTS ACT"
and regulations made thereunder.

Licence No. 73-32.

Know all men by these presents that in consideration of and subject to the provisos, conditions and restrictions hereinafter contained, the Minister of Mines, Resources and Environmental Management (hereinafter called "the Minister") for the Province of Manitoba does by these presents give full right and liberty, leave and licence to MANITOBA HYDRO (hereinafter called "the LICENSEE") to:

- (a) impound water in Southern Indian Lake by means of dams and a control structure located on the Churchill River at Missi Falls at the outlets of Southern Indian Lake, and.
- (b) impound water in the Rat River System by means of a dam and control structure located on the Rat River near the outlet of Notigi Lake, and
- (c) divert water from the Churchill River into the Nelson River via the Rat and Burntwood Rivers by means of a channel from South Bay on Southern Indian Lake to Issett Lake,

for power production purposes, the locations and details of the said dams, control structure and channel (hereinafter collectively called "the WORKS") being more particularly shown on a plan filed in the office of the Director General, Water Resources Branch as No. 60-1-1008, a copy of which plan is hereto attached and marked Exhibit "A".

This licence is issued upon the express condition that it shall be subject to the provisions of the Water Rights Act and Regulations and all amendments thereto and, without limiting the generality of the aforesaid, to the following terms and conditions, namely:

1. The water shall be impounded, diverted and used solely for power production purposes.
2. The WORKS shall be constructed in strict conformity with said Plan No. 60-1-1008 and shall be operated in accordance with the terms herein contained.
3. In the event that the rights of others are infringed upon and/or damage to the property of others is sustained as a result of the operation or maintenance of the WORKS and the rights herein granted, the LICENSEE shall be solely responsible and shall save harmless and fully indemnify Her Majesty the Queen in Right of the Province of Manitoba, from and against any liability to which Her Majesty may become liable by virtue of the issue of this Licence and anything done pursuant hereto.
4. This Licence is not assignable or transferable by the LICENSEE and when no longer required by the LICENSEE this Licence shall be returned to the Minister for cancellation.
5. Upon the execution of this Licence the LICENSEE hereby grants the Minister and/or his Agents the right of ingress and egress to and from the sites of the WORKS for the purpose of inspection of the WORKS and the LICENSEE shall at all times comply with such directions and/or orders that may be given by the Minister or his Agents in writing from time to time with regard to the operation and maintenance of the WORKS and appurtenances.
6. If for any reason whatsoever the Minister deems it advisable to cancel this Licence, he may do so by letter addressed to the LICENSEE at 820 Taylor Avenue, Winnipeg, Manitoba and thereafter this Licence shall be determined and at an end.
7. The term of this Licence shall be thirty (30) years and this Licence shall become effective only on the date of execution hereof by a person so authorized in the Department of Mines, Resources and Environmental Management.

Subject to Items 10 and 13 hereof, and except as may be otherwise authorized by the Minister, the LICENSEE shall, during periods when the water level of Southern Indian Lake is above elevation 847 feet, operate the Missi Falls and Notigi control structures in such a manner as to effect the maximum discharge possible under the circumstances then prevailing until the water level of the said lake returns to elevation 847 feet.

9. Subject to Item 11 hereof, and except as may be otherwise authorized by the Minister, the LICENSEE shall regulate the water level of Southern Indian Lake so as to prevent the water level from receding below elevation 844 feet.

10. The LICENSEE shall not release more than an average weekly flow of 30,000 cubic feet per second through the Notigi control structure, and shall vary the magnitude of the release through that structure from time to time in order to ensure that the flow in the Burntwood River, as measured at the Provincial Government gauging station at Thompson, shall not exceed the average mean flow plus 30,000 cubic feet per second.
11. Releases from Missi Falls control structure shall not be less than 500 cubic feet per second during the open water period and 1500 cubic feet per second during the ice cover period. Such greater releases as may be required for the needs of downstream interests shall be released as ordered by the Minister.
12. As and at the times requested by the Minister, the LICENSEE shall submit to the Minister for his approval, a schedule of the proposed releases from, over or through the Missi Falls and Notigi control structures, and the Minister may approve the schedules with or without variation; and the LICENSEE shall comply with the schedules so approved.
13. Subject to Items 9 and 10 hereof, but notwithstanding any other terms or conditions of this licence, the LICENSEE shall operate the Missi Falls and Notigi control structure in such a manner that:
 - (a) Any increase or decrease in the rate of outflow through either structure during any 24 hour period shall not exceed 10,000 cubic feet per second, and,
 - (b) The drawdown in water level in Southern Indian Lake during any 12 month period shall not exceed two feet, and,
 - (c) The water level immediately upstream of the Notigi control structure shall not decline to less than elevation 838 feet.
14. All elevations mentioned herein are based on Inland Waters Branch Bench Mark which is a brass cap set in bed rock 5 feet north and 11 feet west of the northwest corner of the Manitoba Government Air, Radio and Technical Services Division dock at the South Indian Lake Settlement. This Bench Mark defines elevation 839.58 feet.

In witness whereof I the undersigned hereby agree to accept the aforesaid Licence on the terms and conditions set forth therein and hereby set my hand and seal this *21st* day of *August* A.D. 1973

MANITOBA HYDRO

Per:

[Handwritten Signature]

Chairman SECRETARY

Issued at the City of Winnipeg, in the Province of Manitoba, this *22nd* day of *Aug* A.D. 1973

Original Signed By
SID GREEN, Minister

Minister of Mines, Resources and Environmental Management