



File: 76915-20/D810003

December 12, 2005

Clare Raska, P.Eng.  
Dam Safety Program Engineer  
BC Hydro and Power Authority  
6911 Southpoint Dr (E12)  
Burnaby BC V3N 4X8

Dear Ms. Raska:

**Re: Clayton Falls Dam Fish Water Release**

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In reference to your letter of November 7, 2005, requesting authorization to proceed with the construction of the fish water release for the Clayton Falls Dam, attached is my Order issued pursuant to Section 88 of the *Water Act* and Section 4(1) of the Dam Safety Regulation authorizing the construction. By way of this letter, "Leave to Commence Construction" is also granted to BC Hydro. This authorization is solely for the requirements of the Dam Safety Regulation and does not remove the legal requirement of authorization/approval of any other organization.

A right of appeal to my Order lies to the Environmental Appeal Board. Notice of any appeal must (1) be in writing, (2) Include grounds for the appeal, (3) be directed by registered mail or personally delivered to the Chair, Environmental Appeal Board, 4<sup>th</sup> Floor, 747 Fort Street, PO Box 9425 Stn Prov Govt, Victoria, BC V8V 9V1, (4) be delivered within 30 days of receiving this Order; and (5) be accompanied by a fee of \$25, payable to the Ministry of Finance and Corporate Relations.

You are also reminded that Section 92(9) of the *Water Act* states: "An appeal does not act as a stay or suspend to operation of the Order being appealed unless the appeal board orders otherwise".

Yours truly,

Glen Davidson, P.Eng.  
Deputy Comptroller of Water Rights

**Enclosure**

**Ministry of  
Environment**

Water Stewardship Division  
Management & Standards Branch  
Water Licensing & Dam Safety

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Victoria BC V8W 9M1  
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# Province of British Columbia

## *Water Act*

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### ORDER

#### Section 88 of the *Water Act* of British Columbia

File Nos.: 0234965, 5000259, D801103-00

**IN THE MATTER OF** Water Licence FL120176 and FL120177, held by British Columbia Hydro and Power Authority (BC Hydro), which authorizes power generation and the Clayton Falls Dam which is identified by Provincial Dam Number D810003-00.

**WHEREAS** BC Hydro was ordered on December 9, 2004 to release a minimum of 0.05 cubic metres per second from the dam at all times.

**WHEREAS** BC Hydro plans to construct a new fish water release and measurement device at Clayton Falls Dam to accomplish this requirement.

**WHEREAS** the key components of the project are:

- A 0.14 m diameter pipe approximately 1 metre long,
- Installed in the lower flashboard at an elevation of approximately 76.75m.

**WHEREAS** BC Hydro has submitted the terms of reference dated October 28, 2005, showing the details of the proposed work.

**WHEREAS** the Dam Safety Section has reviewed and accepted the plans as being satisfactory.

**NOW THEREFORE**, I, Glen Davidson, Deputy Comptroller of Water Rights, hereby order pursuant to Section 88 of the *Water Act* of British Columbia, and pursuant to the Dam Safety Regulation, BC Reg. 44/2000, OIC 131/2000, that BC Hydro has authorization to proceed with fish water release to the Clayton Falls Dam. Minor changes may be made if signed off by the Professional Engineer of record for the project.

Dated at Victoria, British Columbia this 12<sup>th</sup> day of December, 2005.

Glen Davidson  
Deputy Comptroller of Water Rights