

WATER ACTBEING CHAPTER W-3 R.S.A. 2000 (the "*Water Act*")

WATER MANAGEMENT ORDER NO. WA-WMO-2018/01-SSR

Eastern Irrigation District
550 Industrial Road West,
Brooks, AB
T1R 1B2

WHEREAS the Eastern Irrigation District ["EID"] holds Water Licence No. 00071066-00-00 ["Licence"] issued under the *Water Act*, authorizing the diversion works located at the actual point of removal from the Bow River on SW-01-021-19-W4M, the water supply canals and pipelines, storage reservoir(s) and water distribution network in association with the Eastern Irrigation District within the district boundary of the Eastern Irrigation District;

WHEREAS under the Licence the EID has a works, specifically an open cut ditch [the "EID Ditch"], contained within a registered utility right of way (registration number 101 087 754) on lands, legally described as SE-16-021-18-W4M [the "Lands"] which are located within the boundary of the EID, that conveys drainage water in a northeast direction;

WHEREAS on March 29, 2018, Alberta Environment and Parks ["AEP"] received a call via the Coordination and Information Center from a member of the public indicating the EID Ditch on the Lands had been blocked;

WHEREAS on April 5, 2018, an AEP Environmental Protection Officer ["EPO"] who is designated as an inspector and investigator under the *Water Act* inspected the EID Ditch and observed a plug, consisting of gravel and plywood, located at the south end of a culvert within the EID Ditch [the "Plug"];

WHEREAS, Stephen Mathyk, Compliance Manager, South Saskatchewan Region [the "Director"] has been designated as a Director for the purpose of issuing Water Management Orders under the *Water Act*;

WHEREAS the Director is of the opinion that the EID has failed to maintain or repair works referred to in Water Licence No. 00071066-00-00, namely the EID Ditch;

THEREFORE, I, Stephen Mathyk, Director, pursuant to sections 97(1) and 99(1) of the *Water Act*, DO HEREBY ORDER THAT:

1. EID shall maintain and repair its works, namely the EID Ditch, by removing the Plug from the EID Ditch immediately.

2. EID shall remove the Plug such that the release of water from behind the Plug does not exceed the capacity of the EID Ditch or downstream culverts or otherwise damage downstream property.
3. EID shall take photographs of the Lands before and after the removal of the Plug.
4. EID shall submit to the Director a written report confirming the removal of the Plug, including the aforementioned photographs, within 5 days of the completion of the work.

Original Signed by:

Stephen Mathyk
District Compliance Manager
South Saskatchewan Region

Notwithstanding the above requirements, the Parties shall obtain all other necessary approvals from any regulatory agency (provincial or federal) in complying with this order.

Take notice that this order is a remedial tool only, and in no way precludes any enforcement proceedings being taken regarding this matter under this Act or any other legislation. Failure to comply with this order may result in further enforcement proceedings.

Section 115 of the *Water Act* may provide a right of appeal against this decision to the Alberta Environmental Appeals Board. There may be a strict time limit for filing such an appeal. For further information, please contact the Board Secretary at:

**#306 Peace Hills Trust Tower,
10011 – 109th Street
Edmonton, Alberta, T5J 3S8
Telephone: (780) 427-6207
Fax: (780) 427-4693**

AFFIDAVIT OF SERVICE

CANADA)
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PROVINCE OF ALBERTA)
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I, Logan Huscroft, Environmental Protection Officer, of the South Saskatchewan Region, Alberta Environment and Parks, in the Province of Alberta, **MAKE OATH AND SAY AS FOLLOWS:**

- 1. THAT, I did, on the 12th day of April, 2018 at 11:40 a.m. serve a copy of Water Management Order NO. WA-WMO-2018/01-SSR dated April 12, 2018 and signed by Stephen Mathyk, District Compliance Manager, South Saskatchewan Region, on the Eastern Irrigation District, by giving it to Ivan Friesen at 200, 5th Avenue South, in Lethbridge, Alberta.

SWORN BEFORE ME THIS 12th DAY
OF April, 2018
AT THE CITY OF Lethbridge
PROVINCE OF ALBERTA.





A Commissioner for Oaths in and for the
Province of Alberta

STEPHANIE J. FEENSTRA
COMMISSIONER FOR OATHS
EXPIRES OCTOBER 13, 2020