

ALBERTA  
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

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Date of Discontinuance of Proceedings – February 22, 2002

**IN THE MATTER OF** sections 91, 92 and 95 of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 and section 115 of the *Water Act*, R.S.A. 2000, c. W-3;

**-and-**

**IN THE MATTER OF** an appeal filed by Mr. Bruce Cairns on behalf of Bullshead Water Co-op Ltd. with respect Preliminary Certificate No. 00158361-00-00 issued under the *Water Act* to Bullshead Water Co-op Ltd., by the Director, Southern Region, Regional Services, Alberta Environment.

Cite as: *Bullshead Water Co-op Ltd. v. Director, Southern Region, Regional Services, Alberta Environment*

## **EXECUTIVE SUMMARY**

The Board received a letter from the Bullshead Water Co-op Ltd. with respect to a Preliminary Certificate issued to the Bullshead Water Co-op Ltd. by Alberta Environment. The water co-op was filing an appeal as they did not fully understand the implications of the Preliminary Certificate, the associated conditions and the appendix attached to the Preliminary Certificate. The Bullshead Water Co-op is located near Medicine Hat, Alberta.

The Board requested the Bullshead Water Co-op provide further information to the Board including their grounds for appeal and the relief sought.

On February 21, 2002, the Board received a letter from the Bullshead Water Co-op withdrawing their appeal. The Board therefore closes its file in this matter.

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## **I. BACKGROUND**

[1] On January 16, 2002, the Director, Southern Region, Regional Services, Alberta Environment (the “Director”) issued Preliminary Certificate No. 00158361-00-00 (the “Preliminary Certificate”), to the Bullshead Water Co-op Ltd. (the “Appellants”) for the purpose of diverting water and operating works at NW 29-008-04-W4M, near Medicine Hat, Alberta.

[2] On January 23, 2002, the Environmental Appeal Board (the “Board”) received a letter from the Appellants indicating that they had just received the Preliminary Certificate and did “...not yet fully understand the implications of the preliminary certificate, associated conditions included in the certificate and attached appendix...” The Appellants indicated that in order to preserve their rights they wished to file an appeal.

[3] On January 24, 2002, the Board acknowledged the Appellants’ letter and requested that the Appellant provide further information to the Board, including the grounds for appeal and the relief sought. The Board opened an appeal file, pending receipt of the requested information from the Appellants. The Board also forwarded a copy of the Appellants’ letter to the Director.

[4] On February 19, 2002, the Board wrote to the Appellants, asking them to advise whether they intended to pursue the appeal, and on February 21, 2002, the Board received a letter dated February 20, 2002, from the Appellants advising:

“We have been working with Mr. Ian Franks to clarify the terms and conditions of the above numbered Water Licence... We believe that the amendments, plans and clarification presented in Ian’s letter plus his commitment to work with us when further amendments or clarification are required alleviates our concerns... At this time we believe that it would be most appropriate to withdraw our January 23, 2002 letter of appeal.”

## **II. DECISION**

[5] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based on the Appellants' letter of February 20, 2002, the Board discontinues its proceedings in Appeal No. 01-114 and will be closing its file.

Dated on February 22, 2002, at Edmonton, Alberta.

"original signed by"

William A. Tilleman, Q.C.