

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Discontinuance of Proceedings

Date of Discontinuance of Proceedings – October 4, 2004

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 Donald Armitage with respect to *Water Act* Licence No. 00210248-00-00 issued to Robert John Armitage by the Director, Central Region, Regional Services, Alberta Environment.

Cite as: *Armitage v. Director, Central Region, Regional Services, Alberta Environment re: Robert John Armitage* (4 October 2004), Appeal No. 04-052-DOP (A.E.A.B.).

EXECUTIVE SUMMARY

Alberta Environment issued a Water Licence to Mr. Robert John Armitage for the diversion of 9,955 cubic metres of water annually from the well in NE 05-047-10-W4 for agricultural purposes (confined feeding operation), near Kinsella, Alberta.

The Environmental Appeals Board received a Notice of Appeal from Mr. Donald Armitage appealing the Licence.

The Board began processing the appeal. However, the Appellant withdrew the appeal. The Board therefore closes its file in this matter.

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I. BACKGROUND

[1] On July 16, 2004, the Director, Central Region, Regional Services, Alberta Environment (the “Director”), issued Licence No. 00210248-00-00 under the *Water Act*, R.S.A. 2000, c. W-3 (the “Licence”) to Robert John Armitage (the “Licence Holder”) authorizing the diversion of 9,955 cubic metres of water annually from the well in NE 05-047-10-W4 for agricultural purposes (confined feeding operation) near Kinsella, Alberta.

[2] On August 26, 2004, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Mr. Donald Armitage (the “Appellant”), dated August 25, 2004, appealing the Licence.

[3] On August 26, 2004, the Board wrote to the Appellant, the Licence Holder and the Director (collectively the “Parties”) acknowledging receipt of the Notice of Appeal and notifying the Licence Holder and the Director of the appeal. The Board also requested the Director provide the Board with a copy of the records (the “Record”) relating to these appeals, and that the Parties provide available dates for a mediation meeting or hearing.

[4] According to standard practice, the Board wrote to the Natural Resources Conservation Board and the Alberta Energy and Utilities Board asking whether this matter had been the subject of a hearing or review under their respective legislation. Both boards responded in the negative.

[5] On September 23, 2004, the Board received a letter dated September 10, 2004, from the Appellant withdrawing the appeal. The Appellant’s September 10, 2004 letter stated:

“I wish to withdraw my decision to appeal for the following: Armitage/Water Act Licence No. 00210248-00-00 (EAB 04-052).”

II. DECISION

[6] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, and based upon the withdrawal of the appeal by the Appellant, the Board hereby discontinues its proceedings in Appeal No. 04-052 and closes its file.

Dated on October 4, 2004, at Edmonton, Alberta.

“original signed by”

Dr. Fredrick C. Fisher, Q.C.
Chair