

ALBERTA  
ENVIRONMENTAL APPEAL BOARD

Discontinuance of Proceedings

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Date of Discontinuance of Proceedings – May 13, 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 Ms. Marion Allred with respect to *Water Act* Approval No. 00152909-00-00 issued by the Director, Central Region, Regional Services, Alberta Environment to Messrs. John Pasztor, John Burden, Mervin MacKay and Bryan Perkins authorizing the exploration for groundwater near Irma, Alberta.

Cite as: *Allred v Director, Central Region, Regional Services, Alberta Environment re: Pasztor, Burden, MacKay and Perkins.*

### **EXECUTIVE SUMMARY**

Alberta Environment issued an Approval under the *Water Act* to Messrs. John Pasztor, John Burden, Mervin MacKay and Bryan Perkins, which authorized them to explore for groundwater, for stock watering purposes, near Irma, Alberta.

The Board received a Notice of Appeal from Ms. Marion Allred appealing the Approval.

The Board began processing the appeal, however, on April 29, 2002, Ms. Allred withdrew her appeal. Therefore, the Board closes its file in this matter.

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## **I. BACKGROUND**

[1] On March 28, 2002, the Director, Central Region, Regional Services, Alberta Environment (the “Director”) issued *Water Act* Approval No. 00152909-00-00 (the “Approval”) to Messrs. John Pasztor, John Burden, Mervin MacKay and Bryan Perkins (collectively the “Approval Holders”) authorizing them to explore for groundwater, for stock watering purposes, at NE 15-044-09-W4, SE 23-044-09-W4 and SW 23-044-09-W4 near Irma, Alberta.

[2] On April 11, 2002, the Environmental Appeal Board (the “Board”) received a Notice of Appeal dated April 10, 2002 from Ms. Marion Allred (the “Appellant”).

[3] On April 18, 2002, the Board acknowledged the Notice of Appeal, notified the Director and the Approval Holders of the appeal and requested the Director provide the records related to the appeal (the “Record”) to the Board. The Board also requested all parties provide their available dates for a mediation meeting/settlement conference or hearing to the Board.

[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 April 29, 2002, the Board received a telephone call from the Appellant advising that she wished to withdraw her appeal. The Board acknowledged the Appellant’s telephone call with a letter on April 30, 2002. The Board’s letter stated:

“The Board acknowledges receipt of a telephone call from Ms. Marion Allred on April 29, 2002, advising that she is withdrawing her appeal. If this is incorrect Ms. Allred is requested to advise the Board by May 10, 2002.”

No further calls were received from the Appellant.

## **II. DECISION**

[6] Pursuant to section 95(7) of the *Environmental Protection and Enhancement Act*, and based on the telephone call from the Appellant withdrawing her appeal on April 29, 2002, the Board discontinues its proceedings in Appeal 02-005 and closes its file.

Dated on May 13, 2002, at Edmonton, Alberta.

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William A. Tilleman, Q.C.