
ALBERTA ENVIRONMENTAL APPEALS BOARD

Report and Recommendations

Date of Report and Recommendations – April 9, 2019

IN THE MATTER OF sections 91, 92, 94, 95, and 99 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 Palmer Ranch (1984) Ltd. with respect to *Water Act* Preliminary Certificate No. 00348439-00-00 issued to Palmer Ranch (1984) Ltd. by the Director, South Saskatchewan Region, Alberta Environment and Parks.

Cite as: *Palmer Ranch (1984) Ltd. v. Director, South Saskatchewan Region, Alberta Environment and Parks* (9 April 2019), Appeal No. 14-009-R (A.E.A.B.), 2019 ABEAB 4.

BEFORE:

Mr. Alex MacWilliam, Board Chair.

PARTIES:

Appellant: Palmer Ranch (1984) Ltd., represented by Ms. Maureen Bell.

Director: Ms. Susan McIntosh,^{*} Director, South Saskatchewan Region, Alberta Environment and Sustainable Resource Development, represented by Ms. Jodie Hierlmeier, Alberta Justice and Solicitor General.

* The Director who originally signed the Preliminary Certificate, Mr. Rob Burland, is no longer a designated Director under the *Water Act*. The current designated Director is Ms. Susan McIntosh.

EXECUTIVE SUMMARY

Alberta Environment and Sustainable Resource Development (AESRD)* issued a Preliminary Certificate to Palmer Ranch (1984) Ltd. (Palmer Ranch) under the *Water Act* to divert 730 cubic metres of water annually for commercial (water bottling) purposes, upon meeting certain conditions.

Palmer Ranch appealed the terms and conditions of the Preliminary Certificate. A mediation meeting was held, but no resolution was reached.

With the consent of the parties, the Environmental Appeals Board (the Board) set a hearing through written submissions to consider the following issues:

1. Was the Director's decision to issue the Preliminary Certificate reasonable and in accordance with the *Water Act* and applicable government policies?
2. Are the terms and conditions of the Preliminary Certificate and proposed licence appropriate?

Prior to the close of receiving the submissions, Palmer Ranch and Alberta Environment and Parks (AEP)* proceeded with discussions to resolve the issues. The parties reached an agreement and submitted a request to the Board to recommend to the Minister that the Preliminary Certificate be varied.

Most notably, AEP agreed to grant Palmer Ranch the volume of water originally requested in the application, and Palmer Ranch and AEP agreed to allow the diversion to take place from either a well or a spring depending on the outcome of a pump test. AEP also agreed to add another company, 1837407 Alberta Ltd., as an additional holder of the Preliminary Certificate. Finally, AEP agreed to change the purpose of the licence from commercial (water bottling) purposes to industrial (water bottling) purposes. The change in purpose properly reflects that Palmer Ranch is an industrial supplier to commercial water bottling companies.

The Board made the recommendations to the Minister as requested by the parties.

* Alberta Environment and Sustainable Resource Development is the predecessor to Alberta Environment and Parks, and was the name of the Department when the application for the water licence was filed.

TABLE OF CONTENTS

I. BACKGROUND	1
II. RECOMMENDATIONS	3

I. BACKGROUND

[1] On March 31, 2014, the Director, South Saskatchewan Region, Alberta Environment and Sustainable Resource Development (the “Director”), issued Preliminary Certificate No. 00348439-00-00 (the “Certificate”) to Palmer Ranch (1984) Ltd. (“Palmer Ranch” or the “Appellant”). Alberta Environment and Sustainable Resource Development¹ (“AESRD”) issued the Certificate to Palmer Ranch under the *Water Act*, R.S.A. 2000, c. W-3, to divert water for a commercial purpose (water bottling). The Certificate provided that a licence to divert 730 m³ of water annually from a well located in NE 29-3-28-W4M, in the Municipal District of Pincher Creek, would be granted when the conditions in the Certificate are met.

[2] On May 27, 2014, the Environmental Appeals Board (the “Board”) received a Notice of Appeal from Palmer Ranch appealing the terms and conditions in the Certificate and the “commercial purpose” designation. Palmer Ranch wanted to reflect that they were selling water to commercial operators, not to retail purchasers. The change to industrial purposes recognized this.

[3] A mediation meeting was held on July 17, 2014, in Lethbridge. No resolution was reached, and the Board proceeded to schedule a hearing.

[4] The Parties agreed to hold the hearing through written submissions.

[5] On January 7, 2015, the Director agreed to change the purpose stated on the Certificate from “commercial (water bottling)” to “industrial (water bottling),” noting “water bottling” was the critical aspect of the description of the purpose. The change more accurately described that Palmer Ranch is an industrial supplier of water to commercial water bottling companies, as opposed to being a commercial supplier of bottled water to retail customers.

[6] On January 13, 2015, the Board notified the Parties that, based on their submissions, the proposed issues for the hearing would be:

¹ At the time the Certificate was issued, the Department was called Alberta Environment and Sustainable Development. The Department is currently called Alberta Environment and Parks (“AEP”).

1. Was the Director's decision to issue the Preliminary Certificate reasonable and in accordance with the *Water Act* and applicable government policies?
2. Are the terms and conditions of the Preliminary Certificate and proposed licence appropriate?

[7] On April 17, 2015, the Director requested the Board dismiss the appeal pursuant to section 95(5)(a)(iv) of EPEA noting the Board, in its October 28, 2014 letter, advised the Appellant that if further deadlines were not met, the Board would reconsider the Director's motion to dismiss the appeal.

[8] On April 21, 2015, the Board notified the Parties that, due to the Appellant's failure to comply with the submission filing deadline and non-compliance with other deadlines set by the Board in respect of this appeal, the Board allowed the application filed by the Director and dismissed the appeal pursuant to sections 92 and 95(5)(a)(iv) of EPEA.² The Appellant's filed a judicial review of the Board's decision.

[9] On December 22, 2015, the Director requested the Board reconsider its decision to dismiss the appeal. The Appellant supported the request. The Director made this request because of an agreement it had reached with the Appellant to withdraw the judicial review.

[10] On June 15, 2016, the Board granted the Director's motion, set aside its decision of May 20, 2015, and proceeded to schedule a hearing of the appeal.

[11] With the agreement of the parties, the hearing was held through written submissions only. During the course of receiving submissions, uncertainty regarding the source of supply water arose. The Board requested that the parties respond to the uncertainty regarding the source of supply of water, and consider further settlement discussions between them.

[12] Private discussions between the Parties took place between January 2017 and February 2019 regarding the source of supply and other matters. On February 6, 2019, the Parties provided a joint agreement requesting the Board recommend to the Minister that the Director's decision to issue the Certificate and corresponding proposed licence be varied.

² See: *Palmer Ranch (1984) Ltd. v. Director, South Saskatchewan Region, Alberta Environment and Sustainable Resource Development* (20 May 2015), Appeal No. 14-009-D (A.E.A.B.).

[13] In particular, AEP agreed to grant Palmer Ranch the volume of water originally requested in the application, and Palmer Ranch and AEP agreed to allow the diversion to take place from either a well or a spring depending on the outcome of a pump test. AEP also agreed to add another company, 1837407 Alberta Ltd., as an additional holder of the Certificate. The agreement also provided for additional conditions regarding monitoring and providing for instream flow needs. The Board considers this to be a reasonable agreement. A copy of the agreement is attached, and is signed in counterpart. The agreement includes the draft Preliminary Certificate and Proposed Licence agreed to by the parties.

II. RECOMMENDATIONS

[14] In accordance with section 99 of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c.E-12 (the “Act”), the Board recommends the Minister of Environment and Parks order that *Water Act* Preliminary Certificate No. 00348439-00-00 and the corresponding proposed licence be varied in accordance with the agreement reached by the Parties (Appendix A), but subject to certain editorial changes made by the Board for clarity and consistency.

[15] Pursuant to section 100(2) of the Act, copies of this report and recommendations and of any decision by the Minister are to be provided to:

1. Ms. Maureen Bell, on behalf of Palmer Ranch (1984) Ltd.; and
2. Ms. Jodie Hierlmeier, Alberta Justice and Solicitor General, on behalf of the Director, South Saskatchewan Region, Alberta Environment and Parks.

Dated on April 9, 2019, at Edmonton, Alberta.

- original signed by -

Alex MacWilliam
Board Chair



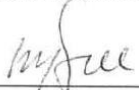
**RESOLUTION
ENVIRONMENTAL APPEALS BOARD
EAB File No. 14-009**

In the matter of the mediation of the appeal of the decision of the Director, South Saskatchewan Region, Alberta Environment and Parks, to issue Preliminary Certificate No. 00348439-00-00 under the *Water Act*, R.S.A. 2000, c. W-3, to Palmer Ranch (1984) Ltd. stating that upon compliance with conditions in the Preliminary Certificate, Palmer Ranch (1984) Ltd. will receive a licence to divert water annually for commercial purposes (water bottling) from a well in NE 29-003-28-W4M that is hydraulically connected to the Waterton River with priority number 2000-04-04-001.

All parties to the appeal have agreed to the following terms and conditions:

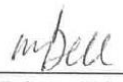
1. The parties agree to request the Board make a recommendation to the Minister of Environment and Parks to vary the terms and conditions of the Preliminary Certificate and the proposed licence with those attached as Appendix A.
2. In consideration of the foregoing, upon the Minister issuing a Ministerial Order varying the terms and conditions of the Preliminary Certificate and the proposed licence with those attached as Appendix A to Palmer Ranch (1984) Ltd., Palmer Ranch (1984) Ltd. withdraws their Notice of Appeal.
3. This agreement may be signed in counterpart.

RESOLUTION AGREED TO BY:



Scott Palmer, Palmer Ranch (1984) Ltd.
Represented by Maureen Bell

Date: Jan 25/19



Tom Palmer, Palmer Ranch (1984) Ltd.
Represented by Maureen Bell

Date: Jan 25/19

Susan McIntosh, Director
Alberta Environment and Parks
Represented by Jodie Hierlmeier, Alberta Justice and Solicitor General

Date: _____



**RESOLUTION
ENVIRONMENTAL APPEALS BOARD
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In the matter of the mediation of the appeal of the decision of the Director, South Saskatchewan Region, Alberta Environment and Parks, to issue Preliminary Certificate No. 00348439-00-00 under the *Water Act*, R.S.A. 2000, c. W-3, to Palmer Ranch (1984) Ltd. stating that upon compliance with conditions in the Preliminary Certificate, Palmer Ranch (1984) Ltd. will receive a licence to divert water annually for commercial purposes (water bottling) from a well in NE 29-003-28-W4M that is hydraulically connected to the Waterton River with priority number 2000-04-04-001.

All parties to the appeal have agreed to the following terms and conditions:

1. The parties agree to request the Board make a recommendation to the Minister of Environment and Parks to vary the terms and conditions of the Preliminary Certificate and the proposed licence with those attached as Appendix A.
2. In consideration of the foregoing, upon the Minister issuing a Ministerial Order varying the terms and conditions of the Preliminary Certificate and the proposed licence with those attached as Appendix A to Palmer Ranch (1984) Ltd., Palmer Ranch (1984) Ltd. withdraws their Notice of Appeal.
3. This agreement may be signed in counterpart.

RESOLUTION AGREED TO BY:

Scott Palmer, Palmer Ranch (1984) Ltd.
Represented by Maureen Bell

Date: _____

Tom Palmer, Palmer Ranch (1984) Ltd.
Represented by Maureen Bell

Date: _____

Susan McIntosh
Susan McIntosh, Director
Alberta Environment and Parks
Represented by Jodie Hierlmeier, Alberta Justice and Solicitor General

Date: *Jan. 27, 2019*

Appendix A



PRELIMINARY
CERTIFICATE

PURSUANT TO THE PROVISIONS
OF THE WATER ACT

PRELIMINARY
CERTIFICATE No. 00348439-00-00

File No. 00082392

Palmer Ranch (1984) Ltd.
P. O. Box 1630
Pincher Creek, AB TOK 1W0

and

1837407 Alberta Ltd.
P. O. Box 357
Pincher Creek, AB TOK 1W0

will receive a licence to divert up to a maximum of 549,325 cubic metres of water annually for industrial (water bottling) purposes from an unnamed aquifer accessed by either production well PW1-99 (Well I.D. 293988) or by a spring or by both well and spring as selected by the Preliminary Certificate holder, each located in NE 29-003-28-W4M that are each hydraulically connected to the Waterton River with priority number 2000-04-04-001 upon compliance with the attached conditions.

Date

Designated Director under the Act

Dated

CONDITIONS

General

1. This Preliminary Certificate is appurtenant to the following undertakings:
 - (a) the diversion works at the actual point of removal from the production well - PW1-99 (Well I.D. 293988) in NE-29-003-28-W4M as referred to in the pump test report pursuant to clause 4.1(b) of this Preliminary Certificate, and shown on Plan Nos. 00082392-P001, 00082392-P002, 00082392-P003 and 00082392-P004 dated March 27, 2013, approved on March 31, 2014 and the works associated with the proposed truck haul facility; and
 - (b) the diversion works at the actual point of removal from the spring in NE-29-003-28-W4M as shown in Report No. 0082392-R001 dated February 20, 2001; and
 - (c) any further plans submitted pursuant to this Preliminary Certificate.
2. The Preliminary Certificate holder shall submit as-constructed plans to the Director detailing the pipe from either the existing production well PW1-99 or from the spring to the proposed pump house and truck haul facility, or from both the well and the spring including but not limited to details of flow metres and monitoring devices.
3. The as-constructed plans will include but not be limited to any right-of-ways and/or easements.
 - 3.1 The Preliminary Certificate holder shall submit a report from a qualified hydrogeologist, for the Director's review and approval, indicating monitoring wells MW1 and MW3 shown in Report No. 00082392-R001 continue to be suitable for monitoring purposes.
 - 3.2 If the qualified hydrogeologist determines that either monitoring well MW1 or MW3 are not suitable for monitoring as referred to in clause 3.1, the hydrogeologist shall propose a minimum of two new monitoring wells for monitoring purposes.
4. The Preliminary Certificate holder shall install water flow and volume measuring devices at the point(s) of diversion selected by the Preliminary Certificate holder that will measure the rate and volume of water diverted.
 - 4.1 The Preliminary Certificate holder shall:
 - (a) conduct a pump test on the production well PW1-99 (Well I.D. 293988) and on the spring as shown in Report No. 0082392-R001 dated February 20, 2001; and
 - (b) submit a report prepared by a qualified hydrogeologist registered with the Association of Professional Engineers and Geoscientists of Alberta to the Director, for the Director's review and approval, which assesses the results of the pump test referred to in clause 4.1(a) in accordance with Alberta Environment and Parks' standards; and
 - (c) identify either the production well PW1-99 (Well I.D. 293988) or the spring as shown in Report No. 0082392-R001 dated February 20, 2001 or both the well and the spring as the point(s) of diversion for the licence.

4.2 The Director shall reflect the point(s) of diversion, as selected by the Preliminary Certificate holder, in the proposed licence.

4.3 Once approved by the Director, the pump test report referred to in clause 4.1(b) shall:

- (a) be in addition to any reference to "Report No. 0082392-R001 dated February 20, 2001, approved on March 31, 2014" in the proposed licence;
- (b) be added to the values for the "Production Interval", and "Maximum Pump Intake Depth" in Table 3-1 of the proposed licence; and
- (c) set the maximum rate of diversion and the cumulative maximum volume of diversion of the proposed licence for either the production well or the spring or for both as selected by the Preliminary Certificate holder.

5. Only on submission of a satisfactory certificate of completion and upon compliance with all the conditions in this Preliminary Certificate, will the Preliminary Certificate holder be granted a licence for the diversion of water including the operation of works with the conditions identified in the attached Appendix 1.

6. The Preliminary Certificate holder shall submit a certificate of completion on or before the Preliminary Certificate expiry date that certifies:

- (a) the conditions of this Preliminary Certificate are complied with,
- (b) the construction of all works is complete, including installation of measuring devices, and
- (c) all works are constructed in accordance with Plan Nos. 00082392-P001, 00082392-P002, 00082392-P003 and 00082392-P004), approved on March 31, 2014 and any further plans submitted pursuant to this Preliminary Certificate, and filed in the following Departmental records:

<u>Number</u>	<u>Title</u>	<u>Date</u>
Plan No. 00082392-P001	Area Plan	March 27, 2013
Plan No. 00082392-P002	Section A-A	March 27, 2013
Plan No. 00082392-P003	Section B-B	March 27, 2013
Plan No. 00082392-P003	Pump House Detail	March 27, 2013

7. This Preliminary Certificate shall expire two years from the date of the attached Ministerial Order.

Designated Director under the Act

Dated

Definitions

1. All definitions from the Act and the Regulations apply except where expressly defined in this licence.
- 1.1 In all parts of this licence:
 - (a) "Act" means the Water Act, RSA 2000, c. W-3, as amended;
 - (b) "Application" means the written submissions to the Director in respect of application number 00082392-00-00;
 - (c) "Aquifer" means the underground water-bearing formation that is capable of yielding water, that is accessed by the works authorized by this licence;
 - (d) "Director" means an employee of the Government of Alberta designated as a Director under the Act;
 - (e) "Monitoring well" means the well used to monitor the water levels associated with the diversion of water authorized by this licence;
 - (f) "Preliminary Certificate" means preliminary certificate no. 00348439-00-00, as amended;
 - (g) "Point of use" means the point or places in which the diverted water is used by the Licensee for the licenced purpose;
 - (h) "Water Source" means any source of water used to divert water for the purpose of this licence as selected by the Preliminary Certificate holder and includes either the production well PW 1-99 (Well I.D. 292988) or the spring shown in Report No. 0082392 R001 dated February 20, 2001 or both the well and the spring;
 - (i) "Regulations" means the regulations, as amended, enacted under the authority of the Act;
 - (j) "Water Supply Arrangement" means an agreement signed by the Licensee and a person who is receiving water from the Water Source;
 - (k) "Water Use Reporting System" means the secure internet website provided by Alberta Environment and Sustainable Resource Development at www.environment.alberta.ca/126.html for submitting measuring and monitoring results electronically to the Director.

General

2. The Licensee shall immediately report to the Director by telephone any contravention of the terms and conditions of this licence at 1-780-422-4505.
- 2.1 The terms and conditions of this licence are severable. If any term or condition of this licence is held invalid, the application of such term or condition to other circumstances and the remainder of this licence shall not be affected thereby.
- 2.2 The Licensee shall not deposit or cause to be deposited any substance in, on or around the source of water that has or may have the potential to adversely affect the source of water.
- 2.3 The Licensee shall comply with the terms and conditions of the "Water Use Reporting System User Consent".
- 2.4 The Licensee shall confirm and make available for inspection by the Director any Water Supply Arrangement it has for the purpose of water bottling.
- 2.5 Any information received by the Director regarding a "Water Supply Arrangement" specified in clause 2.4, including the monthly reporting identified in clause 4.2.1 is acknowledged as being commercially sensitive and will be kept confidential in accordance with sections 15(7) and 15(8) of the Water (Ministerial) Regulation, AR 205/1998.
- 2.6 The Director may amend this licence in accordance with section 54(1)(a)(ix) of the Act.

Diversion of Water

3. This licence is appurtenant to the following undertakings as selected by the Preliminary Certificate holder:
 - (a) the diversion works at the actual point of removal from the production well - PW1-99 (Well I.D. 293988) in NE-29-003-28-W4M as referred to in the pump test report pursuant to clause 4.1(b) of the Preliminary Certificate and shown on Plan Nos. 00082392-P001, 00082392-P002, 00082392-P003 and 00082392-P004 dated March 27, 2013, approved on March 31, 2014 and the works associated with the proposed truck haul facility;
 - (b) the diversion works at the actual point of removal from the spring in NE-29-003-28-W4M as shown in Report No. 0082392-R001 dated February 20, 2001; and
 - (c) any further plans submitted pursuant to the Preliminary Certificate.
- 3.1 The Licensee shall divert water only for the purpose specified in this licence.
 - 3.1.1 The Licensee shall divert water only from the Water Source specified in this licence.
- 3.2 The works used to divert the water authorized by this licence shall include, at a minimum, all of the following:
 - (a) Water Source and works associated with the truck haul facility as described on Plan Nos. 00082392-P001, 00082392-P002, 00082392-P003 and 00082392-P004 dated March 27, 2013 and approved on March 31, 2014; and

- (b) any further plans submitted pursuant to the Preliminary Certificate.
- 3.3 The Licensee shall not exceed any of the limits specified in Table 3-1, as determined by the pump test report referred to in clause 4.1(b) of the Preliminary Certificate.
- 3.3.1 For further clarity, the sum total of the volume of water diverted under this licence shall not exceed 549,325 cubic metres per year.
- 3.4 The Licensee shall not position the pump intake in the Water Source at a depth greater than the maximum pump intake depth specified in Table 3-1.

Table 3-1

Water Source	Legal Land Description For Well Location	Production Interval (metres below grade)	Maximum Pump Intake Depth (metres below grade)	Limits	
				Maximum rate of Diversion (cubic metres per day)	Cumulative Maximum Annual Diversion (cubic metres)
PW1-99 (Well I.D. 293988)	NE-29-003-28-W4M				
Spring	NE-29-003-28-W4M				
					549 325

- 3.5 Prior to diverting any water from the source of water, the Licensee shall equip each Water Source with a meter(s), which measure:
 - (a) cumulatively, the quantity of all water diverted;
 - (b) the instantaneous rate of diversion; and
 - (c) water levels.
 during the term of this licence.

- 3.6 The Licensee shall maintain the measuring device referred to in 3.5 at all times.
- 3.7 The Licensee shall calibrate the measuring device referred to in 3.5 in accordance with manufacturer's specifications.
- 3.8 The Director may, upon a minimum of 12 months written notice to the licensee, amend this licence to change the Instream Objectives, convert an Instream Objective to a Water Conservation Objective or change such Water Conservation Objective.
- 3.9 The licensee shall divert the water authorized by this licence only when there is sufficient water flow in the Waterton River to meet or exceed the Instream Objectives set out in 3.10
- 3.10 The Instream Objectives is set at 2.27 m³/sec (80 c.f.s.).
- 3.11 Unless otherwise authorized in writing by the Director, the Instream Objectives in 3.11 are to be met at the specified point of diversion;
 - (a) when diverting any water.

Monitoring and Reporting

- 4. The Licensee shall establish any additional monitoring well(s) as and when required in writing by the Director.
- 4.1 Unless otherwise authorized in writing by the Director, the Licensee shall measure the water level in each Water Source and in each Monitoring well on a:
 - (a) daily basis for the first 12 months of operation; and
 - (b) weekly basis for each month thereafter;while water is being diverted.
- 4.2 Unless otherwise authorized in writing by the Director, the Licensee shall measure:
 - (a) the total number of cubic metres of water diverted; and
 - (b) the instantaneous rate of diversion;from each water source on a daily basis.
- 4.2.1 For the first five years of diversion under this licence or until otherwise authorized in writing by the Director, the Licensee shall:
 - (a) submit to the Director, on a monthly basis, a summary
 - (i) quantifying the volume of water trucked from each Water Source in relation to the volume of water diverted from each Water Source; and
 - (ii) identifying the location to which the water is trucked; and
 - (b) on request of the Director, permit a review of the trucking information retained by the Licensee pursuant to clause 4.5(d) of this Licence.

4.3 The Licensee shall ensure that the:

- (a) collection;
- (b) preservation;
- (c) storage;
- (d) handling; and
- (e) analysis

of any sample required to be taken by this licence shall be conducted in accordance with the following, unless otherwise authorized in writing by the Director:

- (i) the Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association, American Water Works Association, and the Water Environment Federation, 1998, as amended.

4.4 The Licensee shall:

- (a) obtain a representative sample of water being diverted from each Water Source; and
- (b) analyze the water collected in 4.4(a) for the following parameters:
 - (i) Bicarbonate (HC03), Calcium (C), Carbonate (C03), Chloride (Cl), Electrical Conductivity, Fluoride (F), Iron (Fe), Magnesium (Mg), Manganese (Mn), Nitrite and Nitrate (N02 + N03), pH, Potassium (K), Sulphate (S04), Sodium (Na) , Temperature, Total Dissolved Solids, Total Alkalinity and Total Hardness; and
 - (ii) any other parameter required by the Director;

on an annual basis unless otherwise specified in writing by the Director.

4.5 The Licensee shall record and retain all of the following information for a minimum of 5 years after being collected:

- (a) the place, date and time of all monitoring, measuring and sampling;
- (b) the results obtained pursuant to 4.1, 4.2, and 4.4;
- (c) the name of the individual who conducted the monitoring, measuring and sampling stipulated in (a) and (b); and
- (d) truck logs quantifying the volume of water trucked from each Water Source under a Water Supply Agreement.

- 4.6 The Licensee shall report to the Director the results of the recording in 4.1, 4.2 and 4.4 using the "Water Use Reporting System" and any other information required in writing by the Director.
- 4.7 The Licensee shall submit the report required in 4.6 on or before the end of the month following the month in which the information is based upon was collected.

Complaint Investigation

5. The Licensee shall:
- (a) investigate all written complaints accepted by the Director relating to allegations of surface water and groundwater interference as a result of the operation of each Water Source;
 - (b) provide a written report to the Director, within a time specified in writing by the Director, detailing the results of the investigation relating to the complaint accepted by the Director in 5.0(a) including:
 - (i) recommendations to remediate and/or mitigate the impact(s) such as:
 - (A) lowering the intake of the pump to compensate for a drop in water level,
 - (B) re-drilling the water well to an increased depth so as to allow the pump to be installed at a lower depth,
 - (C) drilling a new well, or
 - (D) providing an alternate water supply; and
 - (ii) any other information required by the Director.
- 5.1 The Licensee shall satisfy the Director that the report submitted pursuant to 5.0 has identified remedial and/or mitigative measures relating to the alleged interference.

Reclamation

6. The Licensee shall reclaim all abandoned wells or other holes related to the water diversion in accordance with the Act and the Regulations.
- 6.1 The Licensee shall submit a reclamation report to the Director documenting the actions taken under 6.0 within 90 days after the reclamation is complete.

Amendments

7. The Director may amend this licence to reduce the maximum volume of water authorized to be diverted under this licence to reflect the highest volume of water diverted in the first five years of water diversion having considered reasonably:
- a) the actual diversion of water from each Water Source;
 - b) the effects upon the environment, including other water users, attributable to the diversion of water from each Water Source;

- c) the availability of water due to drought or flood during any year;
- d) the demand for water pursuant to a Water Supply Arrangement;
- e) the results of the metering and other information retained under Monitoring and Reporting in this Licence; and
- f) the comments from the Licensee with respect to any proposed reduction in the maximum volume of water.

Designated Director under the Act

Dated