

19-027

2020 ABEAB 18

Appellants – 386809 Alberta Ltd., **Operator** – 386809 Alberta Ltd., **Location** – Foothills, **Type of Appeal** – Discontinuance

A Notice of Appeal was received on August 7, 2019 from 386809 Alberta Ltd. with respect to the June 27, 2019 decision of the Director, South Saskatchewan Region, Alberta Environment and Parks, to issue *Water Act* Licence No. 00238399-00-00 to 386809 Alberta Ltd. to operate a works and divert up to 79,806 cubic metres of water per year from the Highwood River at E1/2 05-021-28-W4M for irrigation purposes, near Foothills.

The Director requested that the Board review the validity of the appeal as it appeared that the appeal had been filed late. The Board was advised by the Appellant that a letter dated July 10, 2019 was received from Alberta Environment and Parks, providing the Licence and advising of their right to appeal within 30 days of the letter. The Board received a letter on September 13, 2019 from the Director advising he would not be proceeding with a motion to dismiss the appeal.

On September 13, 2019, the Appellant requested the appeal be placed in abeyance while an application for an amendment of the Licence was filed and decided by the Director. On September 19, 2019, the Board granted the abeyance of the appeal and requested monthly status reports.

Regular status reports were provided by the Appellant and Director, until on May 4, 2020, the Appellant advised the Board the matter had been resolved and the appeal withdrawn. Based on the withdrawal of the appeal, the Board discontinued its proceedings and closed its file on May 4, 2020.

Cite: 386809 Alberta Ltd. v. Director, South Saskatchewan Region, Alberta Environment and Parks (4 May 2020), Appeal No. 19-027 (A.E.A.B.), 2020 ABEAB 18