

APPENDIX A – WATER RIGHTS APPLICATIONS AND LICENSES  
ON SHANNON CREEK (THORNHILL COULEE)

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# Application for Licence to Divert and Use Surface Water

Water Stewardship Division  
Water Use Licensing Section  
200 Saulteaux Crescent  
Winnipeg MB R3J 3W3



**Pursuant to The Water Rights Act**

APPLICANT'S NAME: <u>KROEGER FARMS LTD.</u> <u>HESPLER ENTERPRISES LTD.</u>	CONTACT NAME: <u>Wayne Dedege</u>	PHONE: <u>(204) 325-9591</u>
POST OFFICE ADDRESS: <u>PO BOX 2700</u>	MOBILE: <u>(204) 362-0691</u>	
CITY or TOWN: <u>Winkler</u>	PROV: <u>MB.</u>	POSTAL CODE: <u>R6W4C3</u>
E-MAIL ADDRESS: <u>wayne@hesplerfarms.com</u>		

Hereby applies for authority to divert  Spring Flow -OR-  Firm Flow water from /  
SHANNON CREEK & THORN HILL CREEK  
(name of river, creek, channel, etc)

by means of a pump located on the following described land:

<u>SW</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>W</u>
<u>NW</u>	<u>34</u>	<u>3</u>	<u>5</u>	<u>W</u>
QUARTER	SECTION	TOWNSHIP	RANGE	E OR W

or otherwise described as SITE A & SITE C (ON B. ALTERNATIVE SITE B - 32-3-5W)  
for irrigation use purposes,  
(municipal, agricultural, industrial, irrigation, other uses)

on the following described land:

QUARTER	SECTION	TOWNSHIP	RANGE	E OR W

or otherwise described as: SEE ATTACHED LIST & PRELIMINARY MAP.

at the following rates:  
\_\_\_\_\_ cubic metres per second (pumping rate)  
\_\_\_\_\_ cubic decametres per day (daily usage)  
740 cubic decametres per year (annual usage)

Total number of acres to be irrigated: 3000 to 3500 (if applicable)

The above described lands are held as follows: (check applicable box)

as registered owner     purchased under agreement for sale     lessee     to be determined

Attach copy(s) of the certificate(s) of title or title number(s).

Is this application for the renewal of an existing licence?     YES     NO    Existing Licence No. \_\_\_\_\_  
Is this application for the transfer of an existing licence?     YES     NO    Existing Licence No. APPLICANT Feb 21, 12  
Is this application to amend an existing licence?     YES     NO    Existing Licence No. APPLICANT Feb 21, 12

Date: MARCH 27 2014

Wayne Dedege  
(Signature of applicant)

**\*\* IMPORTANT \*\***

FEE OF \$100.00 MUST ACCOMPANY THIS APPLICATION, CHEQUE AND APPLICATION MUST BE MAILED TO:

MANITOBA CONSERVATION  
CASHIER'S OFFICE  
BOX 42, 200 SAULTEAUX CRESCENT  
WINNIPEG MB R3J 3W3

CHEQUES TO BE MADE PAYABLE TO MINISTER OF FINANCE

**FOR OFFICE USE ONLY:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Licence to Use Water for  
Irrigation  
Purposes**

Manitoba Water Stewardship  
Infrastructure and Operations Division  
200 Saulteaux Cresc.  
Winnipeg, Manitoba  
R3J 3W3



Project: SCR

Issued in accordance with the provisions of  
**The Water Rights Act** and regulations made thereunder.

Licence No.: 2006-097

U.T.M.: Zone 14 569735 E  
5459503 N

Know all men by these presents that in consideration of and subject to the provisos, conditions and restrictions hereinafter contained, the Minister of Water Stewardship for the Province of Manitoba does by these presents give full right and liberty, leave and licence to **Agassiz Resource Management Ltd.** of the **Postal District of Winkler** in the Province of Manitoba (hereinafter called "the LICENSEE") to:

(a) divert, primarily during the spring runoff period, water from **Shannon Creek** by means of a temporary pumping installation and pipeline;

(b) impound water by means of an off-channel reservoir located on:

**the Southwest Quarter of Section 11, in Township 4 and Range 5, West of the Principal Meridian in Manitoba,**

and

(c) divert for **irrigation** purposes the impounded water from the off-channel reservoir by means of a pumping installation and pipelines, the water to be used, and the pumping installation and pipelines to be placed, on lands held by the LICENSEE and/or a shareholder of the LICENSEE.

The above pumping installation, pipelines, and off-channel reservoir are hereinafter called "the WORKS" and are more particularly shown on a plan filed in the office of the Executive Director, Infrastructure and Operations Division, a copy of which plan is hereto attached and marked Exhibit "A".

This licence is issued upon the express condition that it shall be subject to the provisions of The Water Rights Act and Regulations and all amendments thereto and, without limiting the generality of the aforesaid, to the following terms and conditions, namely:

1. The water shall be used solely for **irrigation** purposes.
2. The WORKS shall be operated in accordance with the terms herein contained.
3. The LICENSEE is authorized to withdraw water from **Shannon Creek** into the off-channel reservoir during the spring runoff period only, which is normally considered to be from March 1 to the following May 31, unless the LICENSEE obtains approval to divert water at another time in accordance with Clause 4.
4. The LICENSEE shall obtain authorization from the Executive Director, Infrastructure and Operations Division, in writing, prior to:
  - a) diversion of water from **Shannon Creek** at any other time than the spring runoff period specified in Clause 3; or
  - b) diversion of a quantity of water from **Shannon Creek** in excess of the maximum quantity specified in Clause 5.
5.
  - a) The rate at which water may be diverted into the off-channel reservoir pursuant hereto shall not exceed **1.008 cubic metres per second (35.6 cubic feet per second)**
  - b) The total quantity diverted in any one year shall not exceed **148.02 cubic decametres (120.00 acre feet)**
6. Water shall not be diverted during any spring runoff period when the flow in **Shannon Creek** is less than **0.24 cubic metres per second (8.4755 cubic feet per second)** as measured at a point immediately downstream of the temporary pumping installation.
7. The LICENSEE does hereby remise, release and forever discharge Her Majesty the Queen in Right of the Province of Manitoba, of and from all manner of action, causes of action, claims and demands whatsoever which against Her Majesty the LICENSEE ever had, now has or may hereafter have, resulting from the construction, operation, and maintenance of the WORKS and the diversion and use of water for **irrigation** purposes.
8. In the event that the rights of others are infringed upon and/or damage to the property of others is sustained as a result of the operation or maintenance of the WORKS and the rights herein granted, the LICENSEE shall be solely responsible and shall save harmless and fully indemnify Her Majesty the Queen in Right of the Province of Manitoba, from and against any liability to which Her Majesty may become liable by virtue of the issue of this Licence and anything done pursuant hereto.
9. This Licence is not assignable or transferable by the LICENSEE and when no longer required by the LICENSEE this Licence shall be returned to the Executive Director, Infrastructure and Operations Division, for cancellation on behalf of the Minister.
10. Upon the execution of this Licence the LICENSEE hereby grants the Minister or the Minister's agents the right of ingress and egress to and from the lands on which the WORKS are located for the purpose of inspection of the WORKS and the LICENSEE shall at all times comply with such directions and/or orders that may be given by the Minister or the Minister's agents in writing from time to time with regard to the operation and maintenance of the WORKS.

11. This Licence may be amended, suspended or cancelled by the Minister in accordance with The Water Rights Act by letter addressed to the LICENSEE at **Box 750, Winkler, MB, R6W 4A8, Canada** and thereafter this Licence shall be determined to be at an end.
12. Notwithstanding anything preceding in this Licence the water shall be used, and the WORKS shall be placed, only on land owned by and/or held under rental, lease, or other agreement by the LICENSEE and/or a shareholder of the LICENSEE.
13. The LICENSEE shall keep the following records for each calendar year, and a copy of such records shall be furnished to the Executive Director, Infrastructure and Operations Division not later than February 1st of the following year:
  - a) daily and annual volumes of water diverted into the off-channel reservoir;
  - b) the rate that water was diverted into the off-channel reservoir;
  - c) daily and annual volumes of water used for **irrigation** purposes.
14. A water use monitoring device, acceptable to the Executive Director of the Infrastructure and Operations Division, must be installed on the system.
15. The LICENSEE shall comply with all instructions and specifications that may be issued by Fisheries and Oceans Canada under the fish habitat protection provisions of Canada's Fisheries and Oceans Act concerning the construction, maintenance, and operation of the WORKS.
16. The LICENSEE shall hold and maintain all other regulatory approvals that may be required and shall comply with all other regulatory requirements for the construction, operation, or maintenance of the WORKS or to divert or use water as provided by this Licence.
17. The term of this Licence shall be **ten (10) years** and this Licence shall become effective only on the date of execution hereof by a person so authorized in the Department of Water Stewardship. The LICENSEE may apply for renewal of this Licence not more than 365 days and not less than 90 days prior to the expiry date.
18. This Licence expires automatically upon the loss of the legal control of any of the lands on which the WORKS are located or on which water is used, unless the Licence is transferred or amended by the Minister upon application for Licence transfer or amendment.

In witness whereof I the undersigned hereby agree to accept the aforesaid Licence on the terms and conditions set forth therein and hereby set my hand and seal this 24th day of November A.D. 20 06.

SIGNED, SEALED AND DELIVERED  
in the presence of

Witness

Licensee

Chris Unray (Seal)  
Chris Unray, President

Canada, PROVINCE OF MANITOBA To Wit:

I, \_\_\_\_\_ of the \_\_\_\_\_  
of \_\_\_\_\_ in the Province of Manitoba, MAKE OATH AND SAY:

1. That I was personally present and did see \_\_\_\_\_, the within named party, execute the within Instrument.
2. That I know the said \_\_\_\_\_ and am satisfied that he/she is of the full age of eighteen years.
3. That the said Instrument was executed at \_\_\_\_\_ aforesaid and that I am subscribing witness thereto.

SWORN BEFORE me at the \_\_\_\_\_  
in the Province of Manitoba this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20 \_\_\_\_\_.

A COMMISSIONER FOR OATHS  
in and for the Province of Manitoba

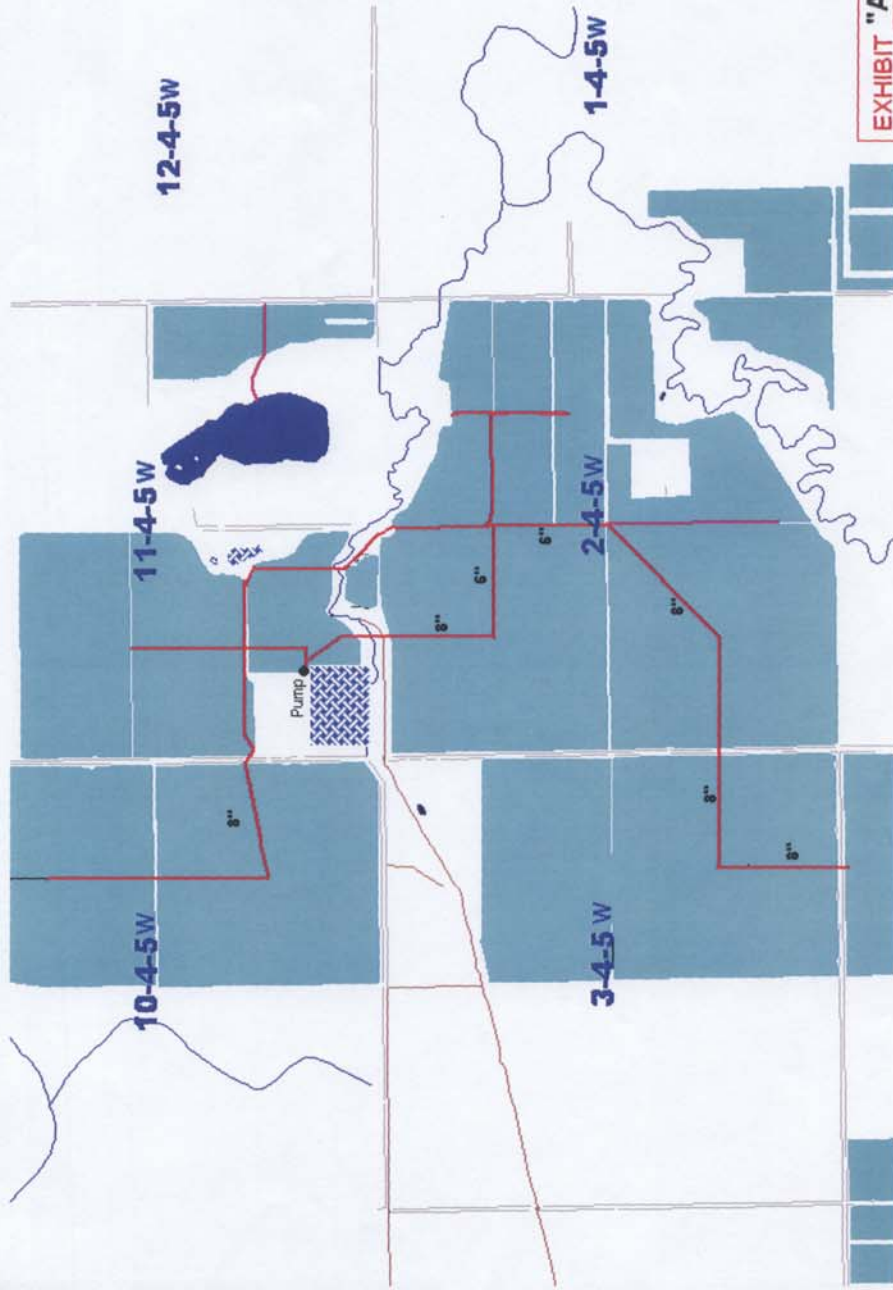
Witness

My Commission expires \_\_\_\_\_

Issued at the City of Winnipeg, in the Province of Manitoba, this 5 day of December A.D. 20 06.

J. D. D. Topping  
The Honourable the Minister of Water Stewardship





**Irrigated Lands and Pipeline Route**

**EXHIBIT "A" Sheet 2 of 2**

**THIS PLAN IS AN INTEGRAL PART OF**

**LICENCE NO. 2006-097**

**ISSUED UNDER THE WATER RIGHTS ACT**