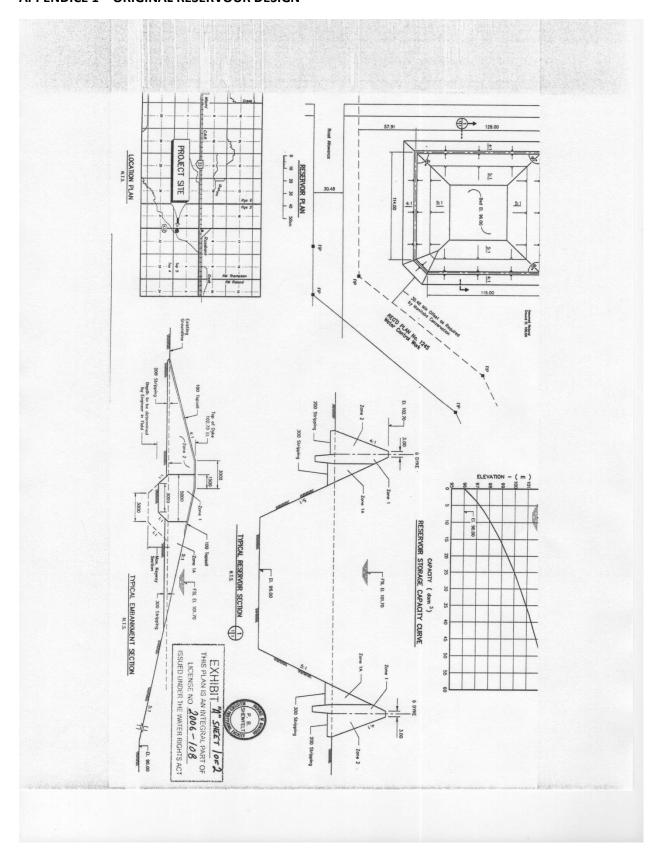
# **APPENDICES**

## APPENDICE 1 – ORIGINAL RESERVOUR DESIGN



#### **APPENDICE 2 – WATER RIGHTS**

e to Use Water for Jation urposes

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

Issued in accordance with the provisions of The Water Rights Act and regulations made thereunder. Licence No.: 2006-108

U.T.M.: Zone 14

564789 E

5467550 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 Hespler Enterprises Ltd. of the Postal District of Winkler in the Province of Manitoba (hereinafter called "the

(a) divert, primarily during the spring runoff period, water from a Graham Creek tributary by means of a temporary pumping installation and pipeline located on:

> the Southwest Quarter of Section 5, in Township 5 and Range 5, West of the Principal Meridian in Manitoba.

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

the Southwest Quarter of Section 5, in Township 5 and Range 5, West of the Principal Meridian in

purposes the impounded water from the off-channel reservoir by means of a pumping installation and (c) divert for irrigation pipeline, the water to be used, and the pumping installation and pipeline to be placed, on lands held by 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.
- The LICENSEE is authorized to withdraw water from a spring runoff period only, which is normally considered to be from March 1 to the following May 31, unless the LICENSEE 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 the Graham Creek tributary at any other time than the spring runoff period specified in b) diversion of a quantity of water from the Graham Creek tributary in excess of the maximum quantity specified in
- 5. a) The rate at which water may be diverted into the off-channel reservoir pursuant hereto shall not exceed 0.304 cubic b) The total quantity diverted in any one year shall not exceed

  45 cubic decametres (38.48 acre feet)
- Water shall not be diverted during any spring runoff period when the flow in the Graham Creek tributary is less than 0.09 cubic metres per second (3.1783 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.

Page 1 of 3

on 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.

- 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 2700, Winkler, MB, R6W 4C3, Canada and thereafter this Licence shall be
  determined to be at an end.
- 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.
- 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 purpose
- 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.

Licence No.2006-108

Page 2 of 3

	ss whereof I the undersigned hereby agree to accept the aforesaid Licence on the terms and conditions set forth in and hereby set my hand and seal this
	SIGNED, SEALED AND DELIVERED in the presence of
(.	} who Suntary (Seal)
	Witness Licensee
	Canada, PROVINCE OF MANITOBA To Wit:  of the
	of the  of in the Province of Manitoba, MAKE OATH AND SAY:
	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 Witness in and for the Province of Manitoba
	My Commission expires
	Issued at the City of Winnipeg, in the Province of Manitoba, this 20 day of Dackars (A.D. 20 66.
	1 /1 8 /m
	The Honourable the Minister of Water Stewardship
	Licence No.2006-108 Page 3 of 3

#### **APPENDICE 3 – PERMIT TO BUILD**



Water Control System Management Box 19, 200 Saulteaux Crescent Winnipeg, Manitoba, CANADA R3J 3W3 T 204-945-7440 F 204-945-7419 www.manitoba.ca

April 17, 2012

File: 6.17.2

Hespler Enterprises Ltd Box 2700 Winkler MB R6W 4C3

Dear Mr. Derksen:

### **RE: Expanding Existing Irrigation Reservoir**

Thank you for your applications dated February 21, 2012, concerning the expansion of an existing irrigation reservoir in SW5-5-5W. Please find attached the required Authorization Permits.

Please contact Mr. Ben Dyck, regional superintendant at 204 467 7321 at least 48 hours prior to the commencement of work. He may have special instructions concerning the expansion of the reservoir.

Sincerely,

Burnid Briggs P.Eng

CC: John Harris P. Eng., Senior Waterway Planning Engineer



File No. 6 . 17.2

# APPLICATION FOR AUTHORIZATION UNDER SECTION 14(4) OF THE MANITOBA WATER RESOURCES ADMINISTRATION ACT W70

14(4) No person shall place any material on, remove any material from or construct, carry out, reconstruct, establish, or place, any works or structures on, over, or across, a provincial waterway, except as may be authorized in writing by the minister and subject to such terms and conditions as the minister may prescribe.

Applicant Name:	Hespler Enterprises Ltd.	
Address:	Box 2700	
	Winkler, MB	
Telephone:	(204) 325-9591	
Signature:		
Name of provincial waterway: Graham Creek		
Legal description of land: SW 5-5-5W		
Description of wo	rks to be constructed: Expand existing irrigation reservoir	
Description of activities to be undertaken: Forthwork to create and expand		
Attachments (if a		
Date of construct	ion: From: June / 12 To: Oct 31/12	
Duration of activi	ty: From: June 1/12 To: Oct 31/12  ty: From: June 1/12 To: Oct 31/12	

#### **AUTHORIZATION**

The applicant is hereby granted authorization for the purposes stated subject to the following terms and conditions:

- The Province assumes no liability of any nature for any consequence of the granting of this authorization. The applicant agrees to assume all costs resulting from the works constructed pursuant to this authorization.
- The applicant shall and does hereby indemnify and save harmless and defend the Province from and against all claims, actions, damages, liability and expenses, including any and all legal costs arising out of bodily injury (including death) or property damage suffered by third parties in any way attributable to or resulting from the construction of the works or the activities to be undertaken by the applicant including any act or omission of the applicant, its employees or agents.
- The Province shall not be put to any additional expense as a consequence of the granting of this authorization.
- The authorization for an activity may be cancelled by the minister giving the applicant 30 days written notice with no compensation for benefits lost or improvements made.
- Where applicable the applicant shall place markers directly over the buried cable/pipeline at point shown on the attached "Guidelines For Field Markers For Buried Cable/Pipeline Crossings Under Drain/Dikes" diagram.
- 6. No construction, construction traffic nor equipment within our drain cross section
- Installation of cable/pipeline by a trenchless method
- 8. Crossing to be marked on both sides with markers and to be maintained by applicant
- Minimum depth of bury of 2.5 m below drain bottom and continue this elevation extending across right-of-way of full cross section
- 10. No Valves, hydrants ect. to be placed within our right-of-way

The breach of any of the above terms or conditions by the applicant shall result in this authorization being immediately cancelled by the minister.

Executive Director, Hydrologic/Forecasting & Water Management for the Minister of Manitona Infrastructure & Transportation,

being the minister under The Water Resources Administration Act.

WORKS and the diversion and use of water for LICENSEE ever had, now has or may hereafter have, resulting from the construction, operation, and maintenance of the Manitoba, of and from all manner of action, causes of action, claims and demands whatsoever which against Her Majesty the 7. The LICENSEE does hereby remise, release and forever discharge Her Majesty the Queen in Right of the Province of

EXHIBIT "A" Sheet 2 of 2 ISSUED UNDER THE WATER RIGHTS ACT LICENCE NO. 2006-108 THIS PLAN IS AN INTEGRAL PART OF

Hespler Ent. Ltd. Location Plan SW 5-5-5 W



#### **APPENDICE 4 – SPECIES AT RISK EMAIL**

#### **Wayne Derksen**

From:

Friesen, Chris (CWS) < Chris.Friesen@gov.mb.ca>

Sent: To: May 3, 2013 10:16 AM 'wayne@hesplerfarms.com'

Subject:

Reservoir Expansion

#### Wayne

Thank you for your information request. I completed a search of the Manitoba Conservation Data Centre's rare species database and found no occurrences at this time for your area of interest, nor is it likely that any of the species listed under Manitoba's Endangered Species Act would occur in the project area.

The information provided in this letter is based on existing data known to the Manitoba Conservation Data Centre at the time of the request. These data are dependent on the research and observations of CDC staff and others who have shared their data, and reflect our current state of knowledge. An absence of data in any particular geographic area does not necessarily mean that species or ecological communities of concern are not present; in many areas, comprehensive surveys have never been completed. Therefore, this information should be regarded neither as a final statement on the occurrence of any species of concern, nor as a substitute for on-site surveys for species as part of environmental assessments.

Because the Manitoba CDC's Biotics database is continually updated and because information requests are evaluated by type of action, any given response is only appropriate for its respective request. Please contact the Manitoba CDC for an update on this natural heritage information if more than six months pass before it is utilized.

Third party requests for products wholly or partially derived from Biotics must be approved by the Manitoba CDC before information is released. Once approved, the primary user will identify the Manitoba CDC as data contributors on any map or publication using Biotics data, as follows as: Data developed by the Manitoba Conservation Data Centre; Wildlife and Ecosystem Protection Branch, Manitoba Conservation.

This letter is for information purposes only - it does not constitute consent or approval of the proposed project or activity, nor does it negate the need for any permits or approvals required by the Province of Manitoba.

We would be interested in receiving a copy of the results of any field surveys that you may undertake, to update our database with the most current knowledge of the area.

If you have any questions or require further information please contact me directly at (204) 945-7747.

Chris Friesen
Biodiversity Information Manager
Manitoba Conservation Data Centre
204-945-7747
chris.friesen@gov.mb.ca
http://www.gov.mb.ca/conservation/cdc/

From:

Sent: Wednesday, May 01, 2013 10:17:23 AM

To: +WPG1212 - CDC\_Wildlife (CWS) Subject: WWW Form Submission

1

#### APPENDICE 5 - TITLES OF LAND OWNERSHIP

MANITOBA 1804845/4 DATE: 2013/04/30 TIME: 14:26 TITLE NO: STATUS OF TITLE PAGE: 1

STATUS OF TITLE..... ORIGINATING OFFICE... REGISTERING OFFICE... ACCEPTED MORDEN MORDEN PRODUCED FOR.. WAYNE DERKSEN ADDRESS.....

REGISTRATION DATE.... 2001/05/29 2001/05/30 COMPLETION DATE.....

CLIENT FILE... PRODUCED BY... S.TREMEER

LEGAL DESCRIPTION:

WILLIAM WAYNE DUNCAN AND LINDA DUNCAN OF MIAMI IN MANITOBA

ARE REGISTERED OWNERS AS JOINT TENANTS SUBJECT TO SUCH ENTRIES RECORDED HEREON IN THE FOLLOWING DESCRIBED LAND:

SW 1/4 1-5-6 WPM EXCEPTING - LOT 1 PLAN 29286 MLTO

ACTIVE TITLE CHARGE(S):

ACCEPTED CAVEAT RAYMOND ARTHUR FROST ETAL REG'D: 1993/02/08 93-789/4

FROM/BY: TO: NOTES: SERVIENT TENANCY CONSIDERATION:

REG'D: 1993/05/21 ACCEPTED CAVEAT

93-3142/4 MANITOBA HYDRO ELECTRIC BOARD FROM/BY:

TO: CONSIDERATION: NOTES:

CAVEAT AGREEMENT FOR LINES AND CABLES WITH PEDESTALS 1002367/4 /4 ACCEPTED DESCRIPTION:

FROM/BY: MTS NETCOM INC.

TO: CONSIDERATION: NOTES: PART

ADDRESS(ES) FOR SERVICE: EFFECT NAME AND ADDRESS POSTAL CODE

WILLIAM WAYNE DUNCAN ROG 1HO ACTIVE R.R. #2 MIAMI MB

ROG 1HO ACTIVE LINDA DUNCAN R.R. #2 MIAMI MB

CERTIFIED TRUE EXTRACT PRODUCED FROM THE LAND TITLES DATA STORAGE SYSTEM ON 2013/04/30 OF TITLE NUMBER 1804845/4

\*\*\*\*\*\*\* STATUS OF TITLE 1804845/4 CONTINUED ON NEXT PAGE \*\*\*\*\*\*\*\*\*

MANITOBA

TITLE NO: 1804845/4

STATUS OF TITLE

PRODUCED FOR.. WAYNE DERKSEN

PAGE: 2

STATUS OF TITLE.... ACCEPTED
ORIGINATING OFFICE... MORDEN
REGISTERING OFFICE... MORDEN
REGISTRATION DATE... 2001/05/29
COMPLETION DATE... 2001/05/30

ADDRESS.....

CLIENT FILE... NA PRODUCED BY... S.TREMEER

ORIGINATING INSTRUMENT(S):
REGISTRATION NUMBER TYPE REG. DATE CONSIDERATION

SWORN VALUE

1043418/4 PRESENTED BY: MORDEN LAND TITLES CONVERSION FROM: MORDEN LAND TITLES OFFICE

\$0.00

\$0.00

FROM TITLE NUMBER(S):

A63639/4

NOTE:

LAND INDEX: QUARTER SECTION SECTION TOWNSHIP

RANGE

EXC LOT 1 PLAN 29286

DUPLICATE PRODUCED FOR.. HOLD FOR PROD OF DUPL CT NO(S) ON 2001/05/31 ADDRESS...... A63639

POSTAL CODE.....

ACCEPTED THIS 29TH DAY OF MAY, 2001 BY E.ELIAS FOR THE DISTRICT REGISTRAR OF THE LAND TITLES DISTRICT OF MORDEN.

CERTIFIED TRUE EXTRACT PRODUCED FROM THE LAND TITLES DATA STORAGE SYSTEM ON 2013/04/30 OF TITLE NUMBER 1804845/4.

\*\*\*\*\*\*\* END OF STATUS OF TITLE 1804845/4 \*\*\*\*\*\*\*\*\*\*

MANITOBA STATUS OF TITLE

TITLE NO:

2169600/4

PAGE: 1

ACCEPTED MORDEN

PRODUCED FOR..

WAYNE DERKSEN

STATUS OF TITLE.... ORIGINATING OFFICE... REGISTERING OFFICE... REGISTRATION DATE... MORDEN COMPLETION DATE..... 2006/07/26

ADDRESS..... 2006/07/26

CLIENT FILE... PRODUCED BY ... S.TREMEER

LEGAL DESCRIPTION:

LAYCOCK FARMS LTD.

IS REGISTERED OWNER SUBJECT TO SUCH ENTRIES RECORDED HEREON IN THE FOLLOWING DESCRIBED LAND:

NW 1/4 1-5-6 WPM EXCEPTING

EXCEPTING
FIRSTLY - ALL MINES AND MINERALS AS SET FORTH IN TRANSFER 55885 MLTO
SECONDLY - PUBLIC ROAD PLAN NOS. 612 MLTO AND 1144 MLTO

ACTIVE TITLE CHARGE(S):

94-6991/4

ACCEPTED

CAVEAT

REG'D: 1994/09/02

FROM/BY:

TO: CONSIDERATION:

CONSIDERATION:

THE MANITOBA HYDRO-ELECTRIC BOARD

NOTES: EASEMENT PL 31203

1036466/4 /4 ACCEPTED DESCRIPTION: FROM/BY:

REG'D: 2000/10/27 CAVEAT EASEMENT AGREEMENT FOR LINES AND CABLES WITH PEDESTALS

MTS COMMUNICATIONS INC. WILLIAM F. JOHNSTONE AS AGENT

NOTES: WLY 12 M PERP

ADDRESS(ES) FOR SERVICE:
EFFECT NAME AND ADDRESS

POSTAL CODE

LAYCOCK FARMS LTD. ACTIVE

ROG 1HO

BOX 266 MIAMI MB

ORIGINATING INSTRUMENT(S):
REGISTRATION NUMBER TYPE REG. DATE

CONSIDERATION

\$387,500.00

SWORN VALUE

1101748/4 T 2006/07/26
PRESENTED BY: MCCARTHY & BROWN
FROM: DENNIS BLAIR LAYCOCK

T0: LAYCOCK FARMS LTD. \$387,500.00

CERTIFIED TRUE EXTRACT PRODUCED FROM THE LAND TITLES DATA STORAGE SYSTEM ON 2013/04/30 OF TITLE NUMBER 2169600/4

\*\*\*\*\*\* STATUS OF TITLE 2169600/4 CONTINUED ON NEXT PAGE \*\*\*\*\*\*\*\*

MANITOBA STATUS OF TITLE

TITLE NO: 2169600/4

PAGE: 2

STATUS OF TITLE.....
ORIGINATING OFFICE...
REGISTERING OFFICE...
REGISTRATION DATE....
COMPLETION DATE....

ACCEPTED MORDEN MORDEN 2006/07/26 2006/07/26

PRODUCED FOR.. WAYNE DERKSEN

ADDRESS.....

CLIENT FILE... PRODUCED BY...

NA S.TREMEER

FROM TITLE NUMBER(S):

1540120/4 ALL

LAND INDEX:

UNDEX:

QUARTER SECTION

SECTION TOWNSHIP RANGE

NOTE: EX ALL M & M EX ROAD PLANS 612 & 1144

6W

ACCEPTED THIS 26TH DAY OF JULY, 2006 BY E.ELIAS FOR THE DISTRICT REGISTRAR OF THE LAND TITLES DISTRICT OF MORDEN.

CERTIFIED TRUE EXTRACT PRODUCED FROM THE LAND TITLES DATA STORAGE SYSTEM ON 2013/04/30 OF TITLE NUMBER 2169600/4.

\*\*\*\*\*\*\* END OF STATUS OF TITLE 2169600/4 \*\*\*\*\*\*\*\*\*\*\*\*

MANITOBA

TITLE NO:

2482024/4

PAGE: 1

STATUS OF TITLE

ACCEPTED MORDEN

PRODUCED FOR.. WAYNE DERKSEN ADDRESS.....

STATUS OF TITLE..... ORIGINATING OFFICE... REGISTERING OFFICE... REGISTRATION DATE.... COMPLETION DATE.....

MORDEN 2010/09/29 2010/10/20

CLIENT FILE ... PRODUCED BY ...

S.TREMEER

LEGAL DESCRIPTION:

LAYCOCK FARMS LTD.

IS REGISTERED OWNER SUBJECT TO SUCH ENTRIES RECORDED HEREON IN THE FOLLOWING DESCRIBED LAND:

THE E 1/2 OF SECTION 36-4-6 WPM

ACTIVE TITLE CHARGE(S):

15680/4 ACCEPTED FROM/BY:

CAVEAT R. M. THOMPSON

REG'D: 1948/11/17

TO: CONSIDERATION:

NOTES:

NOTES: AFFECTS SE 1/4

147715/4 ACCEPTED FROM/BY: TO: CONSIDERATION: MORTGAGE DENNIS BLAIR LAYCOCK FARM CREDIT CORPORATION \$87,000.00 REG'D: 1974/08/19

ADDRESS(ES) FOR SERVICE: EFFECT NAME AND ADDRESS

POSTAL CODE

ACTIVE

LAYCOCK FARMS LTD. CARMAN MB

ROG OJO

ORIGINATING INSTRUMENT(S): REGISTRATION NUMBER TYPE

REG. DATE

CONSIDERATION

SWORN VALUE

1152313/4 PRESENTED BY: FROM: TO:

ITREQ 2010/09/29 CONV/INTERNAL - NO AUTO PRINT MORDEN LAND TITLES OFFICE

\$0.00

\$0.00

FROM TITLE NUMBER(S):

A14087/4

ALL

CERTIFIED TRUE EXTRACT PRODUCED FROM THE LAND TITLES DATA STORAGE SYSTEM ON 2013/04/30 OF TITLE NUMBER 2482024/4

\*\*\*\*\*\* STATUS OF TITLE 2482024/4 CONTINUED ON NEXT PAGE \*\*\*\*\*\*\*\*

NOTE:

MANITOBA STATUS OF TITLE

TITLE NO: 2482024/4

PAGE: 2

STATUS OF TITLE....
ORIGINATING OFFICE...
REGISTERING OFFICE...
REGISTRATION DATE....
COMPLETION DATE....

ACCEPTED MORDEN MORDEN 2010/09/29 2010/10/20 PRODUCED FOR..

WAYNE DERKSEN

ADDRESS.....

CLIENT FILE... PRODUCED BY...

NA S.TREMEER

LAND INDEX: QUARTER SECTION SECTION TOWNSHIP RANGE NE 36 4 6W NOTE: SE 36 4 6W

ACCEPTED THIS 29TH DAY OF SEPTEMBER, 2010 BY W.KLASSEN FOR THE DISTRICT REGISTRAR OF THE LAND TITLES DISTRICT OF MORDEN.

CERTIFIED TRUE EXTRACT PRODUCED FROM THE LAND TITLES DATA STORAGE SYSTEM ON 2013/04/30 OF TITLE NUMBER 2482024/4.

\*\*\*\*\*\*\*\* END OF STATUS OF TITLE 2482024/4 \*\*\*\*\*\*\*\*\*\*