



**Conservation and Water Stewardship**

Climate Change and Environmental Protection Division  
Environmental Approvals Branch  
123 Main Street, Suite 160, Winnipeg, Manitoba R3C 1A5  
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www.gov.mb.ca/conservation/eal

**CLIENT FILE NO.: 5651.00**

September 9, 2013

Wayne Derksen  
Hespler Enterprises Ltd.  
Box 2700  
Winkler MB R6W 4C3

Dear Mr. Derksen:

Enclosed is **Environment Act Licence No. 3062** dated September 9, 2013 issued to **Hespler Enterprises Ltd.** for the construction and operation of the Development being an expanded irrigation reservoir in SW 5-5-5W and an irrigation system in the Rural Municipality of Thompson, with water intakes on tributaries of Graham Creek adjacent to the reservoir and in NW 5-5-5W, in accordance with the Proposal filed under The Environment Act dated May 23, 2013.

In addition to the enclosed Licence requirements, please be informed that all other applicable federal, provincial and municipal regulations and by-laws must be complied with. A Notice of Alteration must be filed with the Director for approval prior to any alteration to the Development as licensed.

For further information on the administration and application of the Licence, please feel free to contact Donna Smiley, Environment Officer at 204-945-7072.

Pursuant to Section 27 of *The Environment Act*, this licensing decision may be appealed by any person who is affected by the issuance of this Licence to the Minister of Conservation and Water Stewardship within 30 days of the date of the Licence.

Yours truly,

***“original signed by”***

Tracey Braun, M.Sc.  
Director  
Environment Act

c: Don Labossiere, Director, Environmental Compliance and Enforcement  
Public Registries

**NOTE:** Confirmation of Receipt of this Licence No. 3062 (*by the Licencee only*) is required by the Director of Environmental Approvals. Please acknowledge receipt by signing in the space provided below and faxing a copy (letter only) to the Department by September 23, 2013.

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On behalf of Hespler Enterprises Ltd.

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Date

**\*\*A COPY OF THE LICENCE MUST BE KEPT ON SITE AT THE DEVELOPMENT AT ALL TIMES\*\***

# LICENCE

Licence No. / Licence n° 3062

Issue Date / Date de délivrance September 9, 2013

In accordance with *The Environment Act* (C.C.S.M. c. E125) /  
Conformément à *la Loi sur l'environnement* (C.P.L.M. c. E125)

Pursuant to Section 11(1) / Conformément au Paragraphe 11(1)

**THIS LICENCE IS ISSUED TO: / CETTE LICENCE EST DONNÉE À:**

**HESPLER ENTERPRISES LTD.;**  
**"the Licencee"**

for the construction and operation of the Development being an expanded irrigation reservoir in SW 5-5-5W and an irrigation system in the Rural Municipality of Thompson, with water intakes on tributaries of Graham Creek adjacent to the reservoir and in NW 5-5-5W, in accordance with the Proposal filed under The Environment Act dated May 23, 2013, and subject to the following specifications, limits, terms and conditions:

## **GENERAL TERMS AND CONDITIONS**

This Section of the Licence contains requirements intended to provide guidance to the Licencee in implementing practices to ensure that the environment is maintained in such a manner as to sustain a high quality of life, including social and economic development, recreation and leisure for present and future Manitobans.

1. The Licencee shall collect and dispose of all used oil products and other regulated hazardous wastes generated by the machinery used in the construction and operation of the Development in accordance with applicable Manitoba Conservation and Water Stewardship and legislation requirements.
2. The Licencee shall submit all information required to be provided to the Director under this Licence, in writing, in such form (including number of copies) and of such content as may be required by the Director, and each submission shall be clearly labeled with the Licence Number and Client File Number associated with this Licence.

3. The Licencee shall revegetate areas disturbed by the construction of the Development with a mixture of native or introduced grasses or legumes. These areas shall be revegetated as quickly as possible following construction to prevent soil erosion and the establishment of noxious weeds. Native species shall be used to revegetate areas where native species existed prior to construction.

## **SPECIFICATIONS, LIMITS, TERMS AND CONDITIONS**

### **Project Scope**

4. The Licencee shall, unless otherwise approved by the Director in writing, construct the water diversion and management works and irrigate the lands as described on Figures 1 and 2, attached to this Licence. Proposed amendments to this project must be submitted to the Director for approval with an accompanying discussion of the nature and purpose of the amendments.

### **Construction**

5. The Licencee shall, not less than two weeks prior to beginning construction of the Development, provide notification to the Environment Officer responsible for the administration of this Licence of the intended starting date of construction and the name of the contractor responsible for the construction.
6. The Licencee shall establish any fuel storage areas required for the construction and operation of the Development:
  - a) a minimum distance of 100 metres from any waterbody unless double containment is provided; and
  - b) in compliance with the requirements of *Manitoba Regulation 188/2001* respecting *Storage and Handling of Petroleum Products and Allied Products* or any future amendment thereof.
7. The Licencee shall, during construction of the Development, operate, maintain, and store all materials and equipment in a manner that prevents any deleterious substances (fuel, oil, grease, hydraulic fluids, coolant, etc.) from entering any waterbodies, and have an emergency spill kit for in-water use available on site during construction.
8. The Licencee shall, in the case of physical or mechanical equipment breakdown or process upset where such breakdown or process upset results or may result in the release of a pollutant in an amount or concentration, or at a level or rate of release, that causes or may cause a significant adverse effect, immediately report the event by calling 204-944-4888 (toll-free 1-855-944-4888). The report shall indicate the nature of the event, the time and estimated duration of the event and the reason for the event.
9. The Licencee shall, following the reporting of an event pursuant to Clause 8:
  - a) identify the repairs required to the mechanical equipment;
  - b) undertake all repairs to minimize unauthorized discharges of a pollutant;

- c) complete the repairs in accordance with any written instructions of the Director; and
  - d) submit a report to the Director about the causes of breakdown and measures taken, within one week of the repairs being done.
10. The Licencee shall dispose of non-reusable construction debris and solid waste from the construction and maintenance of the Development at a waste disposal ground operating under the authority of a permit issued under *Manitoba Regulation 150/91* respecting *Waste Disposal Grounds* or any future amendment thereof, or a licence issued pursuant to *The Environment Act*.
  11. The Licencee shall not remove, destroy or disturb species listed as rare, endangered, or of special concern, or their habitats. These species are listed in *Manitoba Regulation 25/98* respecting *Threatened, Endangered and Extirpated Species* or any future amendment thereof, and in the federal Species at Risk Act.
  12. The Licencee shall, during construction of the Development, take all appropriate measures to prevent erosion and the deposition of sediment into tributaries of Graham Creek.
  13. The Licencee shall not undertake instream construction activities in connection with the Development between April 1 and June 30 of any year.
  14. The Licencee shall not undertake instream construction activities in connection with the Development during periods of high streamflow.
  15. The Licencee shall install buried pipelines on cultivated land or land in its natural state in accordance with the methodology illustrated in Figures 3 to 5, attached to this Licence. These procedures do not apply when a plough, continuous trencher or directional drill is used to install a pipeline.

#### **Operation – Matters Respecting Water Management and Water Quality Protection**

16. The Licencee shall screen the pump intakes associated with the Development in accordance with the Department of Fisheries and Oceans publication "Freshwater Intake End-of-Pipe Fish Screen Guideline" (March, 1995).
17. The Licencee shall alter the screens on the pump intakes associated with the Development if future research indicates that different design criteria are appropriate with respect to water withdrawals prior to July 1 of any year.
18. The Licencee shall divert water into the reservoir of the Development at the diversion points on the tributaries of Graham Creek in SW 5-5-5W and NW 5-5-5W as specified in a Water Rights Licence issued for the Development by Manitoba Conservation and Water Stewardship.
19. The Licencee shall immediately cease diverting water from the tributaries of Graham Creek if:

- a) water depth downstream of a withdrawal point is 0.25 m or less across 2/3 of the bankful channel width; or
- b) water temperature equals or exceeds 10 degrees Celsius.

These criteria apply during spring filling of the reservoir of the Development, and may be reviewed and revised by the Director upon request from the Licencee and/or upon new information obtained through monitoring of the Development.

20. The Licencee shall, on a daily basis while diverting water into the reservoir of the Development, record water depths and temperatures downstream of the diversion points, volumes and rates of water pumped, and durations of pumping.
21. The Licencee shall, on a daily basis while irrigation of the Development is occurring, record volumes and rates of water pumped, and durations of pumping.
22. The Licencee shall install backflow prevention devices and maintain them in operational condition at all times if fertilizer or crop protection products are applied through the irrigation systems of the Development.
23. The Licencee shall, if fertilizer or crop protection products are applied through the irrigation systems of the Development, not allow irrigation water containing these materials to be applied to or drain to surface water bodies.
24. The Licencee shall comply with the requirements of *Manitoba Regulation 62/2008*, respecting *Nutrient Management* or any future amendment thereof.
25. The Licencee shall not apply nutrients within eight metres of Nutrient Buffer Zones, including roadside ditches and drains.

#### **Operation – Matters Respecting Land Management and Soil Quality Protection**

26. The Licencee shall manage phosphorus as well as nitrogen in all nutrient management plans developed pursuant to Clause 27 of this Licence.
27. The Licencee shall implement agronomic practices described in the following documents:
  - a) Section 4.1.1 of the Environment Act Proposal; and
  - b) “Draft Best Management Practices Manual 1999” by the Central Manitoba Irrigators Association and Central Manitoba Resource Management Ltd., concerning general agronomic practices, or future versions thereof.

#### **Monitoring**

28. The Licencee shall, upon the request of the Director:
  - a) sample, monitor, analyze or investigate specific areas of concern regarding groundwater, surface water and soil for such duration and at such frequencies as may be specified;

- b) determine the environmental impact associated with the specific areas of concern; and
  - c) provide the Director, within such time as may be specified, with such reports, drawings, specifications, analytical data, descriptions of sampling and analytical procedures being used, and such other information as may from time to time be requested.
29. The Licencee shall provide an annual report on monitoring for the Development, including the information required in Clauses 20 and 21 of this Licence, as well as soil test results, nutrient application information, and tile drainage quantity and quality information. The annual report shall be provided, by March 1 of the following year, to the Environment Officer responsible for the administration of this Licence and the Environmental Approvals Branch. The report shall be provided in the format shown in Table 1, attached to this Licence, or as otherwise approved by the Environment Officer.
30. The Licencee shall, prior to the commencement of operation of the Development, meet with the Environment Officer responsible for the administration of this Licence and the contact person for the Environmental Approvals Branch of Manitoba Conservation and Water Stewardship to review the monitoring and reporting requirements of this Licence.

#### **REVIEW AND REVOCATION**

- A. If, in the opinion of the Director, the Licencee has exceeded or is exceeding or has or is failing to meet the specifications, limits, terms, or conditions set out in this Licence, the Director may, temporarily or permanently, revoke this Licence.
- B. If construction of the development has not commenced within three years of the date of this Licence, the Licence is revoked.
- C. If, in the opinion of the Director, new evidence warrants a change in the specifications, limits, terms or conditions of this Licence, the Director may require the filing of a new proposal pursuant to Section 11 of *The Environment Act*.

*“original signed by”*

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**Tracey Braun, M.Sc.**  
**Director**  
**Environment Act**

**Client File: 5651.00**

**Figure 1 – Project Components**



**Reservoir location: SW 5-5-5W**

**Water diversion locations: NW 5-5-5W, SW 5-5-5W**

**Irrigated land parcels: NW and SW 1-5-6W, NE and SE 36-4-6W, NW and SW 5-5-5W**

Figure 2 – Reservoir Configuration

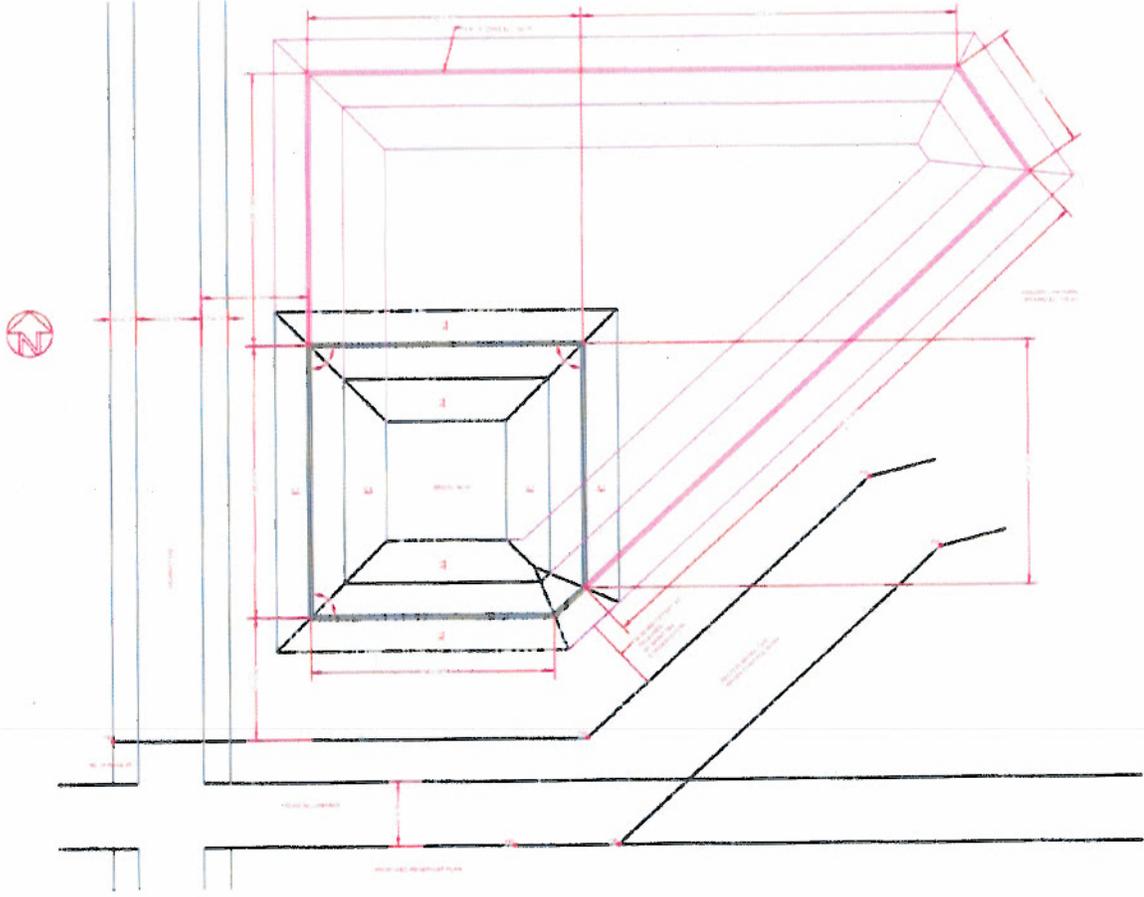
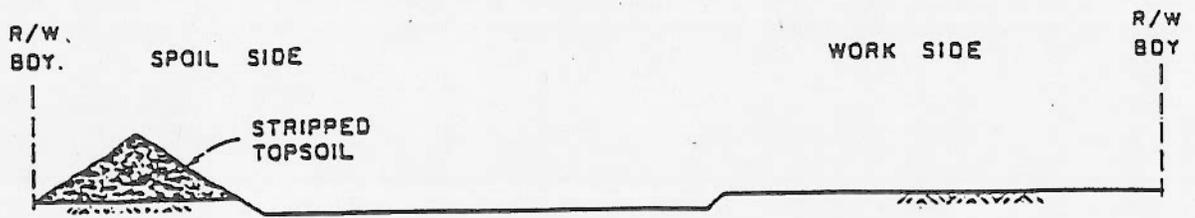
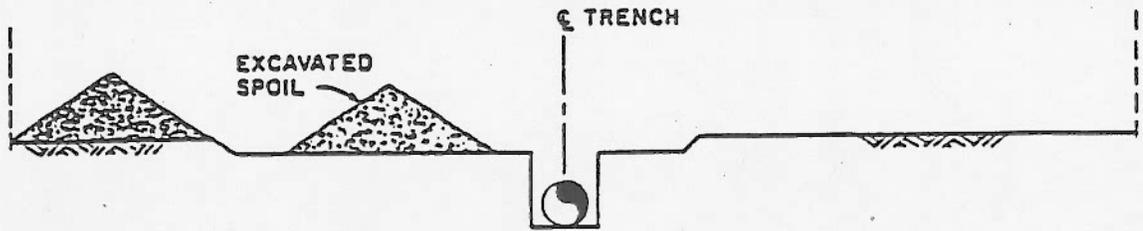


Image provided by Adam Wiebe

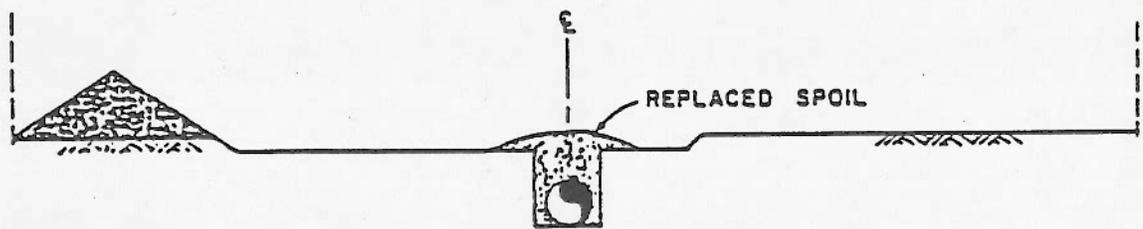
- Existing
- - - Proposed Expansion



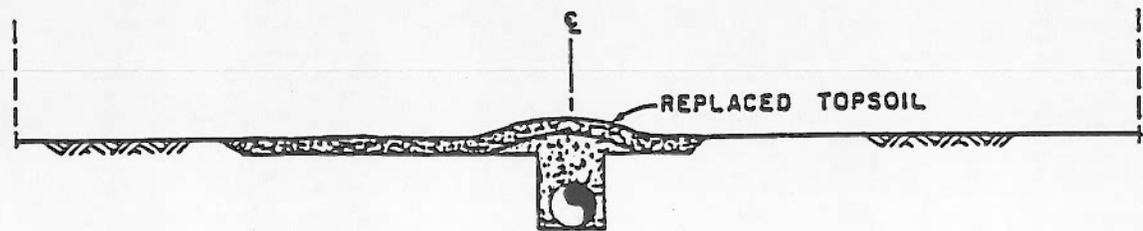
1. TOPSOIL STRIPPED



2. TRENCH EXCAVATED



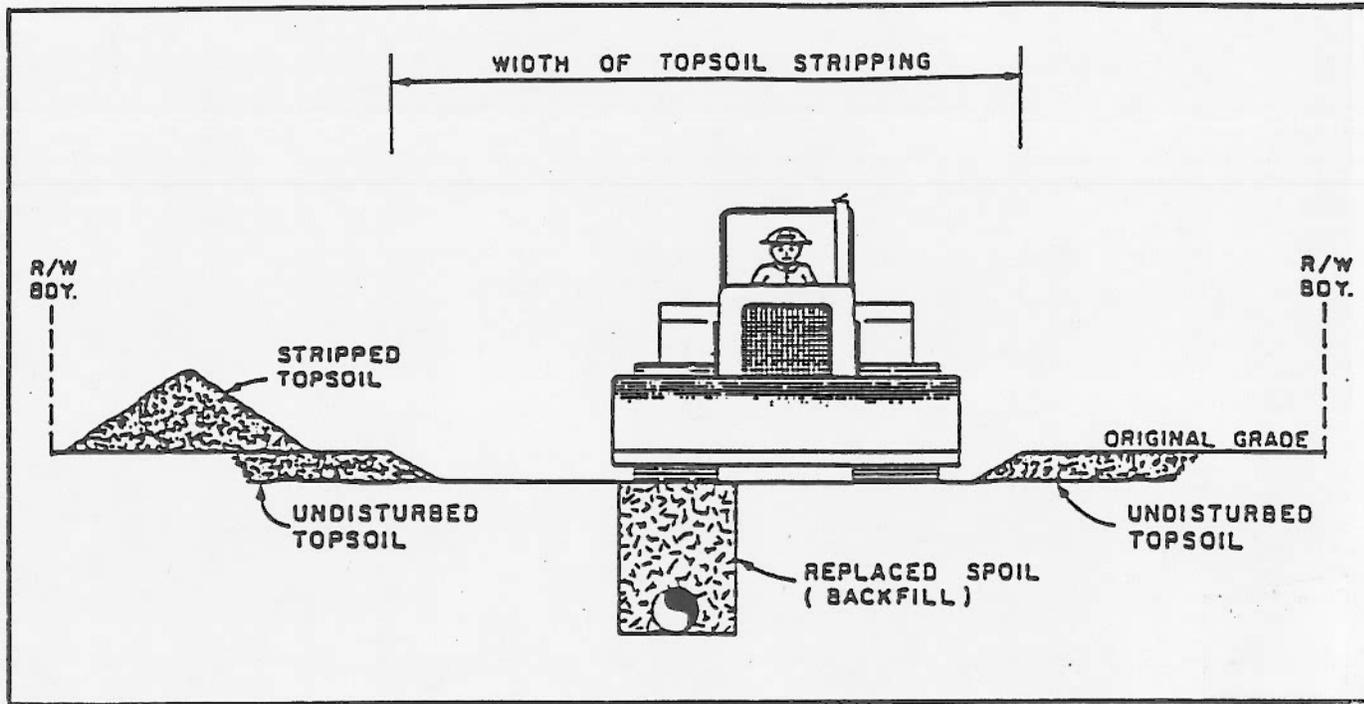
3. TRENCH BACKFILLED



4. TOPSOIL REPLACED

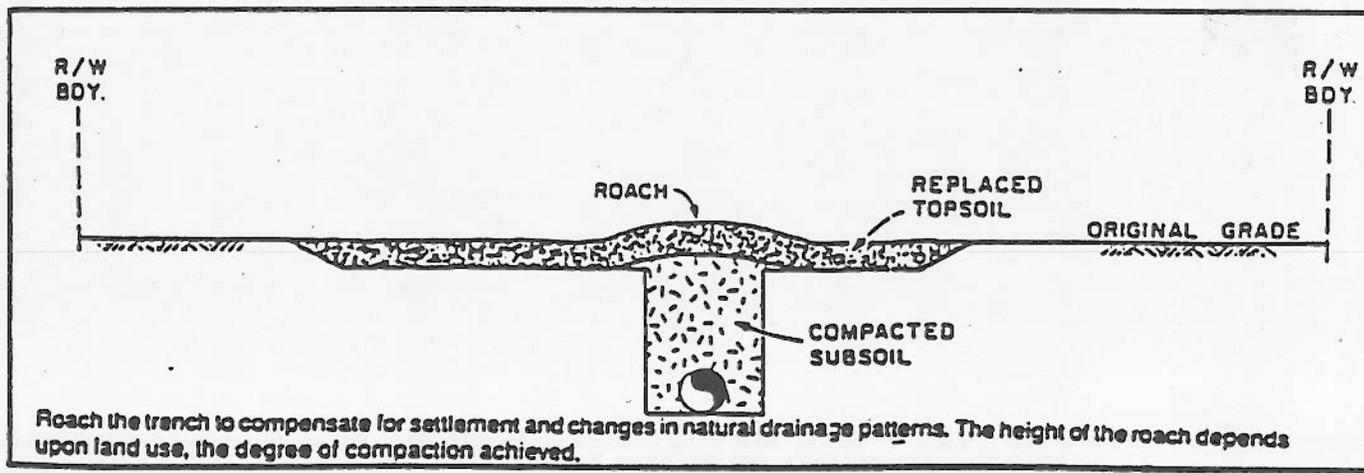
SEQUENCE OF TOPSOIL HANDLING

Figure 3



COMPACTION OF BACKFILL

Figure 4



ROACHING THE TRENCH

Figure 5

Table 1 - Annual Monitoring Report Format					
Hespler Enterprises Ltd.					
Pump 1 Location: SW 5-5-5W			Reservoir Location: SW 5-5-5W		
Pump 2 Location: NW 5-5-5W			Year: _____		
Dugout capacity: 135 dam3			Operator: _____		
Pump 1 capacity: Filling: _____ m3/s or cfs					
Pump 2 capacity: Filling: _____ m3/s or cfs					
Irrigation pump capacity: _____ m3/s or cfs					
Notes:					
1. d/s depth - Flow depth measured in channel downstream of pump intake					
2. Volume Pumped - as measured by change in reservoir elevation _____					
or pumping rate x time pumped _____					
<b>1. Filling</b>					
Day	Date	Pump 1 d/s depth (1)	d/s temp	Hours Pumped	Vol. Pumped (2)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
<b>Total</b>				<b>0.00</b>	<b>0.00</b>

Sheet1

		Pump 2			
Day	Date	d/s depth (1)	d/s temp	Hours Pumped	Vol. Pumped (2)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
<b>Total</b>				0.00	0.00
<b>2. Use from reservoir</b>					
Day	Date		Elevation (2)	Hours Pumped	Vol. Pumped (3)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
<b>Total</b>				0.00	0.00

<b>3. Other Information</b>					
Soil test information					
Fertilizer application results					
Tile drains - volumes					
Tile drains - water quality results					