

ALBERTA ENVIRONMENTAL APPEALS BOARD

2022 ABEAB 13

Appeal Nos. 19-092 & 099

Cite: *Paul and Mary Davis v. Director, Alberta Environment and Parks* (2 March 2022), Appeal Nos. 19-092 & 099 (A.E.A.B.), 2022 ABEAB 13

Appellants – Paul and Mary Davis, **Operators** – Paul and Mary Davis, **Location** – Foothills, **Type of Decision and Date** – Discontinuance March 2, 2022

A Notice of Appeal was received by the Board on February 9, 2020 from Paul and Mary Davis with respect to the January 31, 2020 decision of the Director, Alberta Environment and Parks (AEP), to issue Approval No. 00315274-00-00 under the *Water Act*, to Paul and Mary Davis authorizing the construction of a spillway, auxiliary spillway, and berm of a dam at an unnamed tributary to Threepoint Creek located at SE 16-021-03-W5M, in Foothills, Alberta.

Notices of Appeal were received by the Board from Gael Dinnie on March 9, 2020 and from Paul and Mary Davis on March 5, 2020 with respect to the January 31, 2020 decision of the Director, Alberta Environment and Parks, to issue Preliminary Certificate No. 00315275-00-00 under the *Water Act*, to Paul and Mary Davis stating they will receive a Licence to divert 1,200 cubic metres of water annually from an unnamed tributary to Threepoint Creek in SE 16-021-03-W5M with 915 cubic metres for evaporative loss and up to 285 cubic metres for consumptive use for agricultural (stock watering) and recreational purposes, upon compliance with the conditions in the Preliminary Certificate.

In consultation with the parties, a mediation meeting was held on June 17, 2020 by conference call. The mediation was unsuccessful.

The Board scheduled a hearing via conference call for February 17 and 18, 2021 with respect to the appeals of the Approval and Preliminary Certificate. The hearing was cancelled as the Davis' requested to continue to work with the Director. Discussions did not resolve the appeals.

A hearing via videoconference was scheduled for June 21 and 22, 2022 regarding the appeals of the Approval and Preliminary Certificate.

On March 2, 2022, Mr. Davis confirmed he was withdrawing his appeals of both the Approval and Preliminary Certificate. The Board discontinued its proceedings and closed its files in relation to the appeals filed by Paul and Mary Davis (EAB 19-092 & 099).

The Board will hear Ms. Dinnie's appeal of the Preliminary Certificate (EAB 19-101) on June 21, 2022.