



Being a Bylaw of the Eastern Irrigation District to establish the rules and procedures governing an application for an increase in Irrigation Acres and to an application to transfer Irrigation Acres

WHEREAS as a result of the 2021 plebiscite the 2021 Expansion Limit Change Bylaw was passed by the Board on March 8, 2021;

AND WHEREAS the Board has since increased the number of Irrigation Acres which are available through applications for Efficiency Acres, Infill Acres, Conversion Acres and New Parcel Irrigation Acres;

AND WHEREAS the Board wishes to provide additional provisions regarding applications submitted for Efficiency Acres, Infill Acres, Conversion Acres and New Parcel Irrigation Acres;

AND WHEREAS Section 177(2)(a) of the Act provides the Board may make a bylaw governing the delivery and distribution of water to users;

NOW THEREFORE, the Board of Directors of the Eastern Irrigation District hereby enacts as follows:

1.0 This bylaw may be cited as the "**Irrigation Acres Bylaw**".

Article 2: Definitions

2.0 For purposes of this bylaw, the words following when used in this bylaw shall have the meaning given:

- (a) "Act" means the Irrigation Districts Act, R.S.A. 2000, c. I-11, including any amendments or successor legislation thereto.
- (b) "Annual Agreement" has the same meaning as set out in the Act.
- (c) "Assessment Roll" has the same meaning as set out in the Act and in the context as it relates to this District.
- (d) "Board" and "Board of Directors" means the Board of Directors of the District.
- (e) "Carry Forward Acres" means the aggregate number of acres available from time to time for New Parcel Irrigation Acres which remain unallocated after applications have been assessed by the District for a calendar year.
- (f) "Conversion Acres" means those acres subject to a Terminable Agreement that, on application, are approved to be converted to Irrigation Acres.
- (g) "District" means the Eastern Irrigation District or the geographic area contained within the boundary of the Eastern Irrigation District, as the case may require.
- (h) "Efficiency Acres" means potential Irrigation Acres created from the conversion of the existing method of irrigation on a Titled Unit to a more efficient method of irrigation on the same Titled Unit.
- (i) "General Assessment Acres" means the type of Irrigation Acres added to or proposed to be added to the Assessment Roll as a result of a General Assessment Audit.
- (j) "General Assessment Audit" means the investigation and review of the existing Irrigation Acres on Titled Units undertaken from time to time by the District for purposes of updating and making current the Assessment Roll.
- (k) "Infill Acres" means those dry land acres now existing within a Titled Unit which, if approved pursuant to this bylaw, may be sustainably and successfully irrigated where the Titled Unit, the proposed irrigation development project and the Infill Acres meet the following criteria:
 - (i) the Titled Unit, prior to considering the application presently under review, is already assessed as Irrigation Acres on the Assessment Roll; and
 - (ii) the proposed irrigation development project is acceptable to the District.
- (l) "Infill Applications" means applications for Efficiency Acres and/or Infill Acres;



- (m) "Infill Inventory" means, as of February 23, 2021, the 12,000 acres initially set aside for Infill Applications and available for allocation from time to time pursuant to this bylaw;
- (n) "Irrigable Unit" means those lands designated as an irrigable unit pursuant to Section 23 of the Act.
- (o) "Irrigation Acres" has the same meaning as set out in the Act.
- (p) "Irrigation Parcel" means, as the context requires, either an Irrigable Unit or a Titled Unit.
- (q) "Irrigator" means an Owner of a Titled Unit on which there exists land assessed on the Assessment Roll as Irrigation Acres for all purposes under this bylaw.
- (r) "Manager" means the manager of the District.
- (s) "New Parcel Irrigation Acres" means those dry land acres now existing within a Titled Unit which, if approved pursuant to this bylaw, may be sustainably and successfully irrigated where the Titled Unit and the proposed irrigation development project meet the following criteria:
 - (i) the Titled Unit, immediately prior to considering the application under review, is not assessed as Irrigation Acres on the Assessment Roll; and
 - (ii) the proposed irrigation development project is acceptable to the District.
- (t) "Operational Spill Water" means water which from time to time leaves the end of a District canal, is no longer required by the District for any other conveyance and delivery purposes, and does not form part of a water license or other agreement with a third party.
- (u) "Owner" means a Person whose name is described as the owner of the fee simple estate of land described by a certificate of title, registered at a Land Titles Office of the Province of Alberta, which lands form the subject matter of any application under this bylaw.
- (v) "Person" includes an individual and a corporation, as the context requires.
- (w) "Road" has the same meaning as set out in the Municipal Government Act, R.S.A. 2000, c. M-26.
- (x) "Terminable Agreement" has the same meaning as set out in the Act.
- (y) "Titled Unit" means a parcel of land for which a certificate of title has been issued by a Land Titles Office in the Province of Alberta pursuant to the provisions of the Land Titles Act (Alberta).
- (z) "Unused Irrigation Acres" means those Irrigation Acres described on the Assessment Roll which, in the opinion of the Manager, have not been and are not now subject to the application of irrigation water. For additional clarity, Unused Irrigation Acres will typically be located outside of the wetted area of an irrigation pivot or other irrigation equipment or system.
- (aa) "2021 Expansion Limit Change Bylaw" means Bylaw 942 (2020).

Article 3: Assessing Applications

- 3.0 The Manager, subject always to the provisions of Article 9 of this bylaw, when assessing whether to recommend to the Board that it approve:
- 3.01 the addition to the Assessment Roll of Irrigation Acres described in any application, will consider or take into account, in addition to those criteria or factors set out in Section 95(2) of the Act, the following factors;
 - (a) Whether the applicant is a *bona fide* purchaser for value of the Titled Unit in which exists the parcel or area of land which he seeks to have added to the Assessment Roll;
 - (b) Whether the applicant acquired the certificate of title to the Titled Unit by circumstances whereby he participated or colluded in fraud as contemplated by Section 60(1) of the Land Titles Act (Alberta);
 - (c) Whether records or other information available to the District evidence Unused Irrigation Acres on any of the applicant's lands;



- (d) Whether the acres in the parcel of the Titled Unit which the applicant seeks to have added to the Assessment Roll qualify as New Parcel Irrigation Acres, Conversion Acres, Efficiency Acres or Infill Acres;
- (e) Whether the application includes any portion of a Road that is under the direction, control and management of the County of Newell and, if so, whether the application includes written consent of the County of Newell for such portion of the Road to be included in the application;
- (f) Whether approval of the application will result in more than 3,000 New Parcel Irrigation Acres being approved by the Board for addition to the Assessment Roll during the applicable calendar year;
- (g) Whether Carry Forward Acres are available for allocation in a calendar year;
- (h) Whether approval of the application will result in more than 1,200 New Parcel Irrigation Acres being approved by the Board for addition to the Assessment Roll during the applicable calendar year on lands which are not located downstream of either the Lake Newell Reservoir or the Crawling Valley Reservoir;
- (i) Whether approval of the application will result in more 340,000 Irrigation Acres in aggregate being recorded on the Assessment Roll;
- (j) Whether Irrigation Acres were recorded on the Assessment Roll for the Titled Unit as of December 31, 2019.

3.02 the transfer of Irrigation Acres described in any application will consider or take into account, in addition to those criteria or factors set out in Sections 26 and 95(2) of the Act, the following factors:

- (a) Whether the Titled Unit from which the Irrigation Acres are to be removed is located downstream from either Lake Newell Reservoir or Crawling Valley Reservoir, or whether such Titled Unit is located elsewhere in the District,
- (b) Whether the Titled Unit to which the Irrigation Acres are to be added is located downstream from either Lake Newell Reservoir or Crawling Valley Reservoir, or whether such Titled Unit is located elsewhere in the District;
- (c) Whether the method of irrigating the acres on the Titled Unit to which the Irrigation Acres are to be added is less efficient than the method of irrigating the acres on the Titled Unit from which the Irrigation Acres are to be removed; and
- (d) Whether the application to transfer Irrigation Acres includes any portion of a Road that is under the direction, control and management of the County of Newell and, if so, whether the application includes written consent of the County of Newell for such portion of the Road to be included in the application.

3.03 an application of an Owner for the addition, removal or transfer of Irrigation Acres, will consider whether the application to add, remove or transfer Irrigation Acres, or the application for Conversion Acres, will, if approved, result in fewer than forty (40) Irrigation Acres being recorded on the Assessment Roll for each Titled Unit involved in the application or applications.

Article 4: Reassessment or Transfer of Irrigation Acres

4.0 For greater certainty, unless otherwise permitted herein the Manager must conclude that it is not reasonable or acceptable having regard to the provisions of the Act, the Land Titles Act and this bylaw to recommend to the Board Irrigation Acres be added to the Assessment Roll, a parcel be reassessed and Irrigation Acres be added to the Assessment Roll, or Irrigation Acres be transferred from one parcel to another if;



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- (a) The applicant is not a *bona fide* purchaser for value of the Titled Unit in which exists the parcel or area of land the applicant seeks to have added to the Assessment Roll;
- (b) The applicant acquired the certificate of title to the Titled Unit by circumstances whereby the applicant participated or colluded in fraud as contemplated by Section 60(1) of the Lands Titles Act (Alberta);
- (c) The acres of a Titled Unit which the applicant seeks to transfer will be transferred from a Titled Unit located downstream from either Lake Newell Reservoir or Crawling Valley Reservoir to a Titled Unit that is not located downstream from either Lake Newell Reservoir or Crawling Valley Reservoir unless there are Unused Irrigation Acres being transferred from the Titled Unit, the transfer includes all the Unused Irrigation Acres to the Titled Unit that is subject to the application, and the Unused Irrigation Acres are required for an irrigation development project on the Titled Unit subject to the application.
- (d) The method of irrigating the acres on the Titled Unit to which the Irrigation Acres are to be added is less efficient than the method of irrigating the acres on the Titled Unit from which the Irrigation Acres are to be removed.
- (e) The application of the Owner is for Irrigation Acres for New Parcel Irrigation Acres, General Assessment Acres or Infill Acres and there are Unused Irrigation Acres on any of the applicant's lands and the application does not include the transfer of all such Unused Irrigation Acres, or at least the number of Unused Irrigation Acres required to complete the proposed irrigation development project, to the Titled Unit that is the subject of the application.
- (f) The application of the Owner is for Infill Acres and the proposed irrigation development project is not acceptable to the District because those Infill Acres to be added to the Titled Unit do not have the same efficiency rating or better as the existing Irrigation Acres within the Titled Unit.
- (g) The application, whether for the addition, removal or transfer of Irrigation Acres, for Conversion Acres or for any combination thereof will, if approved, result in fewer than forty (40) Irrigation Acres being recorded on the Assessment Roll for any Titled Unit involved in the application.
- (h) The application includes any portion of a Road that is under the direction, control and management of the County of Newell and the application does not include written consent of the County of Newell for such portion of the Road to be included in the application.
 - (i) Notwithstanding the provisions of this subclause 4.0(h)(i), where the lack of written consent of the County of Newell is the only factor preventing the Manager from recommending approval of the application, the Manager may, at his discretion, recommend conditional approval of the application pursuant to Article 5 of this bylaw.
- (i) The application will, if approved, result in more than 3,000 New Parcel Irrigation Acres being approved by the Board for addition to the Assessment Roll during a calendar year, unless there are Carry Forward Acres available for allocation for such year and/or no acres are remaining in the Infill Inventory.
- (j) The application for New Parcel Irrigation Acres is submitted by the District and there are no Carry Forward Acres available for allocation.
- (k) The application will, if approved, result in more than 1,200 Irrigation Acres being approved by the Board for addition to the Assessment Roll during a calendar year on lands which are not located downstream of either the Lake Newell Reservoir or the Crawling Valley Reservoir.
- (l) The application will, if approved, result in more than 340,000 Irrigation Acres in aggregate being recorded on the Assessment Roll unless
 - (i) Snake Lake Reservoir has been commissioned; or
 - (ii) in the event Snake Lake Reservoir has not been commissioned, the 2021 Expansion Limit Change Bylaw has been amended in accordance with its terms.



- (m) The application is for Infill Acres which
 - (i) is for a Titled Unit that as of December 31, 2019 had no Irrigation Acres recorded on the Assessment Roll for such Titled Unit, and
 - (ii) the application for Infill Acres is submitted within five (5) years following the Board approval date of an application for New Parcel Irrigation Acres for such Titled Unit.
- (n) The application involves the construction of a landowner owned reservoir pursuant to clause 5.01 and there are insufficient volumes of Operational Spill Water to supply such reservoir.

4.01 Efficiency Acres may, if approved on application, be transferred from one Titled Unit of an Owner to another Titled Unit of the same Owner.

4.02 Irrigation Acres transferred from a Titled Unit of one Owner to a Titled Unit of a different Owner are not eligible to earn Efficiency Acres pursuant to Article 8.0 and shall not be included in any calculation regarding Efficiency Acres.

4.03 Where an Owner applies for Efficiency Acres on multiple Titled Units which the Owner owns, all such applications may be assessed by the Manager as one application and, if recommended, may be considered by the Board as one application of the Owner.

4.04 Where the District sells:

- (a) all or any portion of a canal or pipeline right-of-way;
- (b) all or any portion of a parcel of land that has been subdivided or otherwise severed from a quarter section; or
- (c) any combination of the foregoing;

to an Irrigator and;

- (d) the land sold by the District is, after the sale, consolidated with the Irrigator’s Titled Unit located immediately adjacent to and abutting the land sold by the District to the Irrigator;
- (e) the Titled Unit of the Irrigator was, prior to the consolidation, assessed for Irrigation Acres on the Assessment Roll; and
- (f) the Irrigator makes application for Irrigation Acres to be added to the Assessment Roll for some or all of the land sold to him by the District;

then, if the Manager determines that such application is for Infill Acres and having satisfied himself that the criteria set out in this clause 4.04 have been met, shall assess the acres as Infill Acres and apply the provisions of this bylaw applicable to Infill Acres without regard to the fact that, prior to the consolidation, the land sold by the District to the Irrigator was not part of the Titled Unit that is the subject of the application.

Article 5: Conditional Approvals

5.0 Excepting those applications referenced in clause 5.01 requiring the construction of a landowner owned reservoir to collect Operational Spill Water, whenever the installation or modification of irrigation infrastructure is required to irrigate Irrigation Acres that are the subject of an application, such application if approved, shall be subject to the following conditions:



- (a) that the required installation or modification of the irrigation infrastructure must be completed by September 30 of the following year; and,
- (b) such other conditions contained in the notification referenced in clause 5.03(a).

5.01 Whenever an application involving the construction of a landowner owned reservoir to capture Operational Spill Water is required to irrigate Irrigation Acres that are the subject of an application, such application if approved, shall be subject to the following conditions:

- (a) the pivots described in any such application must be purchased by September 30th of the second (2nd) year following the approval date of the application; and,
- (b) any other conditions contained in the notification referenced in clause 5.03(a).

5.02 Whenever written consent of the County of Newell is required with respect to a portion of a Road that is included in an application and the written consent is not included as part of the application, such application, if approved, shall be subject to the condition that the required written consent must be provided to the District within one year from the date on which the application was conditionally approved by the Board.

5.03 In the event an application is conditionally approved by the Board:

- (a) The Manager shall notify the Owner of the conditional approval of the application, including the date(s) by which the applicable condition or conditions must be satisfied.
- (b) The Manager shall not transfer or add Irrigation Acres or acres subject to an Annual Agreement to the Assessment Roll until the Owner has satisfied the applicable condition or conditions.
- (c) In the event the Owner fails to satisfy the applicable condition or conditions by the date(s) referenced in clause 5.0, 5.01 or any notification issued pursuant to clause 5.03(a), the conditional approval so granted shall be automatically revoked and cancelled and the Manager shall provide written notice of such cancellation to the Owner.
- (d) Provided an Owner's conditionally approved application has been revoked as referenced in Clause 5.03(c) above, the Manager may notify the Owner of the next highest rated application submitted in the same calendar year as the revoked application that it's application has been approved provided all conditions, if any, are satisfied by September 30th of the current year.

Article 6: Review of Previously Approved Application

6.0 In the event the Board approved an increase or transfer of Irrigation Acres for a Titled Unit and subsequently discovers or has reason to believe that the Owner of the Titled Unit was not an Owner as defined herein or was not eligible to have such application approved, then, should the Owner not agree that the Assessment Roll be changed to reflect that the Irrigation Acres were improperly increased or transferred, an application may be made by the District to a court of competent jurisdiction to set aside the decision of the Board that erroneously approved the addition or transfer of such Irrigation Acres, correct the Assessment Roll and require the Owner to pay the costs of the District, on a solicitor and his client basis with no limiting rule to apply, of such application.

Article 7: General Assessment Audit

7.0 The Board may, from time to time, receive the recommendation of the Manager for General Assessment Acres to be added to or removed from the Assessment Roll. On receipt of such recommendation of the Manager,



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the Board shall determine, by its motion, if such Irrigation Acres or any number thereof by which the General Assessment Audit recommends, should be added to or removed from the Assessment Roll.

Article 8: Calculating Efficiency Acres

8.0 If an Owner converts from a less efficient method to a more efficient method of irrigation that results in less water being used for each existing irrigated acre, he will earn the privilege to place additional acres, known as Efficiency Acres, under irrigation. The number of Efficiency Acres earned by such conversion is stated in the matrix provided below:

Conversion in Irrigation Acres from One Method to a More Efficient Method					
From/To	Class B Surface Irrigation	Class A Surface Irrigation	Side-Roll Wheel Moves	High Pressure Pivot	Low Pressure Pivot
Undeveloped Rough Surface Irr	1.20	1.35	1.35	1.40	1.50
Class B Surface Irrigation		1.20	1.20	1.30	1.40
Class A Surface Irrigation				1.05	1.15
Side-Roll Wheel Move				1.05	1.15
Example: An irrigation assessment of 93 acres of Class B Surface Irrigation could increase to 130 acres of Irrigation Acres under a low-pressure pivot, but it would need the approval of the Board as provided herein.					

- (a) Definitions for the purposes of this clause:
 - (i) Undeveloped Surface Irrigation – this is generally described as "wild flood", irrigation acres are not levelled, irrigation takes place primarily by a contour ditch with minimal on-farm irrigation works,
 - (ii) Class B Surface Irrigation – this method of surface irrigation refers to lands that are not well levelled, have steep side or down field slopes and/or light soils,
 - (iii) Class A Surface Irrigation – this method of surface irrigation refers to lands that are well levelled, with minimal side and down field slopes and heavier soils.

8.01 Irrigation Acres being transferred from one parcel of an Owner to another parcel of the same Owner shall be subject to the conversion factors shown above.

Article 9: Application Requirements

9.0 In satisfaction of the provisions of Section 96(1.1) of the Act, the Board requires any applications by Owners to have lands within their Titled Units reassessed as Irrigation Acres (ie. applications for New Parcel Irrigation Acres) to be received by the District on or before the 31st day of August in each year this bylaw is in effect, to be made on the prescribed form and in accordance with Clause 9.05. All such applications received shall be assessed by the Manager in accordance with the Act and this bylaw and submitted for Board consideration at the October regular Board meeting in the same calendar year. No applications for New Parcel Irrigation Acres will be accepted by the District after August 31st to and including December 31st of a calendar year.

9.01 An Owner, wishing to (a) add Conversion Acres, Efficiency Acres or Infill Acres which in aggregate exceeds fifty (50) acres to his Irrigation Parcel; or (b) add any combination of Conversion Acres, Efficiency Acres and Infill Acres which in aggregate exceeds fifty (50) acres to his Irrigation Parcel, must apply by submitting an application to the District each calendar year, in the prescribed form and in accordance with Clause 9.05. All



such applications are to be received by the District on or before August 31st of such year. All such applications received shall be assessed by the Manager in accordance with the Act and this bylaw and submitted for Board consideration at the October regular Board meeting in the same calendar year. No applications for acres as described in this clause 9.01 will be accepted by the District after August 31st to and including December 31st of a calendar year.

- 9.02 At any time during the year up to and including the second (2nd) Friday of November, an Owner, wishing to (a) add Conversion Acres, Efficiency Acres or Infill Acres not exceeding in aggregate fifty (50) acres to his Irrigation Parcel; or (b) add any combination of Conversion Acres, Efficiency Acres and Infill Acres not exceeding in aggregate fifty (50) acres to his Irrigation Parcel, or to transfer Irrigation Acres must apply by submitting an application to the District each calendar year in the prescribed form and in accordance with Clause 9.05. All such applications received by the District shall be assessed by the Manager in accordance with the Act and this bylaw. Excluding December Board meetings, properly completed and submitted applications are to be presented for Board consideration during the next regular monthly Board meeting following submission of a properly completed application and provided such applications are submitted to the District on or before the second (2nd) Friday of the month. No applications for acres as described in this clause 9.02 will be accepted by the District after the second (2nd) Friday of November to including December 31st of a calendar year.
- 9.03 Should the District wish to develop New Parcel Irrigation Acres owned by the District, the District must still apply by completing an application each calendar year in the prescribed form, in accordance with Clause 9.05 and delivering same, by mail or person, to the office of the District. All such applications received shall be assessed by the Manager in accordance with the Act and this bylaw and submitted for Board consideration.
- 9.04 An application for reassessment, application for Conversion Acres, Efficiency Acres, Infill Acres or any combination of Conversion Acres, Efficiency Acres and Infill Acres, or to transfer Irrigation Acres which has been assessed by the Manager pursuant to this bylaw and the Act and which the Manager recommends to the Board for approval, shall be reviewed by the Board and the Board shall determine, by its motion, if such Irrigation Acres should be added to the Assessment Roll or transferred.
- 9.05 In order for an application to be considered by the Board, it must be complete in all detail. An application will be deemed incomplete if:
 - (a) the application is made by a Person who is not the Owner of the Titled Unit;
 - (b) soil test results from a qualified land classification agrologist are not submitted with an application for New Parcel Irrigation Acres;
 - (c) an engineering report from a qualified engineer confirming the volume of live storage is not submitted with an application for any development being proposed to capture Operational Spill Water in a landowner owned reservoir; and,
 - (d) consents from any third party who must consent to the installation of new infrastructure crossing their lands are not submitted with the application.

Article 10: Ranking of Applications

- 10.0 Except for applications submitted by the District to develop New Parcel Irrigation Acres owned by the District, in approving increases in Irrigation Acres the priority for approvals shall be ranked in the following order:



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- (a) first, increases in Irrigation Acres on parcels of land converting from one method of irrigation to a more efficient method, then
- (b) second, the highest rated applications for additional acres on parcels where the conversion from one method of irrigation to a more efficient method of irrigation still requires Infill Acres to complete a proposed irrigation development project,
- (c) third, the highest rated applications for Infill Acres not exceeding fifty (50) acres; and
- (d) fourth, the highest rated applications amongst applications for Infill Acres exceeding fifty (50) acres and applications for New Parcel Irrigation Acres.

10.01 Except for applications submitted by the District to develop New Parcel Irrigation Acres owned by the District, any other applications for Irrigation Acres shall be evaluated having regard to the following rating system:

Criteria	Weighting
Ability to Deliver Water	0 – 25
Efficiency of Water Storage Infrastructure	0 – 12
Land Classification	0 – 15
Size of Parcel being Irrigated as One Field	0 – 15
Intensification & On-Farm Efficiency Changes	0 – 50
Efficiency of Overall Delivery	0 – 30

- (a) Ability to Deliver Water:
 - (i) rate the capacity of the canal system to handle the increase in flow (0 – 10);
 - (ii) for new acres below Crawling Valley and Lake Newell, score 15;
 - (iii) for areas on the river (0 – 15):
 - on existing parcels that make on-farm changes, but still need some new water or new parcels, subtract 1 point for every 5 acres requiring new water.
 - (iv) for developments with rotational irrigation (deduct 5).
- (b) Efficiency of Water Storage Infrastructure:
 - (i) for developments that include the construction of a landowner owned reservoir that captures Operational Spill Water, add 1 point for every inch of storage to a maximum of 12 points.
- (c) Land Classification:
 - (i) on parcels with existing irrigation acres:
 - L1 – 15, L2 – 12, L3 – 10, L4 – 5, L5 – 1 and L6 – 0.
 - (ii) on parcels with no existing irrigation acres:
 - L1 – 15, L2 – 12, L3 – 10, L4 – 3, 5R – 2, L5 – 0 and L6 – 0.
- (d) Size of Parcel being Irrigated as One Field:

	<u>Rating</u>
(i) 1 to 39 acres	0
(ii) 40 to 79 acres	4
(iii) 80 to 99 acres	6
(v) 100 to 119 acres	11
(vi) 120 acres or larger	15



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- (e) Intensification & On-Farm Efficiency Changes:
 - (i) Intensification:

$\left[\frac{\text{Existing Acres} + \text{Efficiency Acres}}{\text{New Assessment}} \right] \times 20$	<u>Rating</u> 0-20
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 - (ii) On-Farm Efficiency Changes:

$\left[\frac{\text{On-Farm Efficiency Acres}}{\text{Total New Acres Applied For}} \right] \times 30$	<u>Rating</u> 0-30
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- (f) Efficiency of Overall Delivery:
 - (i)

$\left[\frac{\text{Water Used by Crop}}{\text{Water Diverted at Bassano}} \right] \times 30$	<u>Rating</u> 0-30
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- (g) A zero (0) rating under Land Classification or the canal portion of Ability to Deliver, makes the overall rating zero (0) and disqualifies the application.

Article 11: Board may Vary, Waive or Refuse

- 11.0 The Board reserves the right, by its motion, to vary, alter or waive any criteria, guidelines and rules established by this bylaw when, in the opinion of the Board, a variance or waiver of such criteria, guideline or rule is considered to be in the best interests of the District.
- 11.01 Notwithstanding the provisions of the Act and this bylaw, the Board reserves the right, by its motion, to refuse an application when, in the opinion of the Board, approval of the application is considered not to be in the best interests of the District.
- 11.02 Applications submitted by the District to develop New Parcel Irrigation Acres owned by the District may also be considered by the Board when exercising Board discretion pursuant to this Article 11.

Article 12: Records

- 12.0 The Manager shall maintain current records relating to:
 - (a) Irrigation Acres that have been added or removed during a reporting period together with the number of Irrigation Acres assessed to each Titled Unit and any capital assets charges levied with respect to same.
 - (b) Acres subject to annual agreements that have been added or removed during a reporting period together with the number of acres subject to annual agreements within each Titled Unit.
 - (c) Acres subject to Terminable Agreements that have been added or removed during a reporting period together with the number of acres subject to Terminable Agreements within each Titled Unit.
 - (d) Irrigation Acres that have been added or removed in areas without reservoir support together with the number of Irrigation Acres added or removed in areas that do not have reservoir support.
 - (e) Irrigation Acres that have been added or removed resulting from a General Assessment Audit.
 - (f) Acres that have been removed from the Infill Inventory following approval of Infill Applications.
 - (g) A total for each of the following described acres as of the beginning and end of each reporting period:



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- (i) Efficiency Acres (pre and post conversion basis).
- (ii) Infill Acres.
- (iii) Irrigation Acres.
- (iv) Acres subject to annual agreements.
- (v) Acres subject to Terminable Agreements.
- (h) Other reports and information as the Board may, from time to time and at any time, request or the Manager may determine useful to the Board.
- (i) The Manager shall report to the Board under this Article on a quarter year basis.
- (j) Carry Forward Acres are to be made available in addition to New Parcel Irrigation Acres in accordance with the terms and conditions as otherwise set forth in this bylaw. For purposes of developing New Parcel Irrigation Acres owned by the District, the District has priority over any other Owner to acquire Carry Forward Acres which may be available.

Article 13: Capital Assets Charges

13.0 The capital assets charge for each Irrigation Acre added to the Assessment Roll pursuant to this Bylaw shall be determined in accordance with the prevailing Capital Assets Charges Bylaw in effect as of the Board approval date of the related application for such acres. Any capital assets charge levied is a debt owing by the Irrigator to the District and attaches as a lien on the Titled Unit until paid.

Article 14: Effective Date

14.0 Bylaw 968 (2023) is hereby repealed, the provisions of which are superseded and replaced with this Bylaw 974 (2024).

14.01 This bylaw shall come into force and take effect on the date it is finally passed.

Article 15: Miscellaneous

15.0 The division of this bylaw into articles, clauses and subclauses and the insertion of headings are for convenience or reference only and shall not affect the construction of interpretation of this bylaw. Unless explicitly indicated otherwise, a reference to an "Article", "clause" or "subclause" refers to an article, clause or subclause of this bylaw.

15.01 Words used herein importing the masculine gender shall include the feminine and neuter genders, and vice versa.

Chairman

General Manager

Introduced and read the first time on the 4th day of **March 2024** .
Read the second time on the 23rd day of **April 2024**.
Read the third time and finally passed on the 23rd day of **May 2024**.