

POLICY BACKGROUND:

WHEREAS Bylaw 840 (2003) recognized that the water users by their plebiscite supported an increase in the Irrigation Acres within the Eastern Irrigation District from 286,000 to 311,000 acres, which is known as the "Expansion Limit";

AND WHEREAS the Board has directed its administration to complete a General Assessment of Irrigation Acres now within the District;

AND WHEREAS there has now been allocated or held in suspense approximately 308,000 Irrigation Acres within the District and that the Board wishes to encourage Irrigators to increase the number of Irrigation Acres which may effectively be irrigated utilizing water conserved by a more efficient irrigation system with such irrigation water being provided by the existing infrastructure of the District, such acres are referred to as "Efficiency Acres" in this resolution;

AND WHEREAS the Board has determined that the remaining Irrigation Acres, within the Expansion Limit, be used only to accommodate any increase in Irrigation Acres resulting from the General Assessment Project with the remaining acres allocated to Efficiency Acres until the Expansion Limit is reached or until such time as an increase in the Expansion Limit is approved by the water users of the District, whichever event first occurs.

NOW THEREFORE, be it resolved that:

- 1.0 By this resolution, Bylaw 840 (2003) is hereby suspended and the Policy titled "Increases in Irrigation Acres, Criteria and Guidelines", dated as amended February 2018, is rescinded and replaced with this resolution titled "Increase in Irrigation Acres Policy (2018)".

Assessing Applications

- 2.0 The Manager, subject always to the provisions of paragraph 6 hereof, in assessing whether to recommend to the Board that it approve 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 *Irrigation Districts Act* (Alberta) (the "Act"), the following factors;

- 2.1 Whether the applicant is a *bona fide* purchaser for value of the Titled Unit in which exists the parcel which the applicant seeks to have added to the Assessment Roll;
- 2.2 Whether 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 *Land Titles Act* (Alberta);
- 2.3 Whether the applicant is an Affiliated Owner whose lands or those lands of those with whom the applicant is affiliated are located downstream from either the Lake Newell Reservoir or the Crawling Valley Reservoir and who, since June 1, 2003, has himself or through an affiliated person been granted or has had approved 600 "New Irrigation Acres" on the applicant's lands or those of a person with whom the applicant is affiliated;
- 2.4 Whether the applicant is an Affiliated Owner whose lands or those lands of those with whom the applicant is affiliated are located elsewhere in the District and are not downstream of either the Lake Newell Reservoir or the Crawling Valley Reservoir and who, since June 1, 2003, has himself or

through an affiliated person been granted or has had approved 150 “New Irrigation Acres” on the applicant’s lands or those of others with whom the applicant is affiliated; or

- 2.5 Whether the acres in the parcel of the Titled Unit which the applicant seeks to have added to the Assessment Roll qualify as Efficiency Acres.
 - 2.6 Irrigation Acres added to the Titled Unit of an Owner or Affiliated Owner by means of the General Assessment Project or as a result of a successful application to add Efficiency Acres to a Titled Unit as defined herein will not be calculated or added to the “New Irrigation Acres” granted or approved as described in subparagraphs 2.3 or 2.4 above.
- 3.0 For greater certainty, the Manager must conclude that it is not reasonable, practical or acceptable having regard to the provisions of *the Irrigation Districts Act* and the *Land Titles Act* to recommend to the Board a parcel be reassessed and Irrigation Acres be added to the Assessment Roll if;
- 3.1 The applicant is not a *bona fide* purchaser for value of the Titled Unit in which exists the parcel the applicant seeks to have added to the Assessment Roll; or
 - 3.2 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);
 - 3.3 The applicant is an Affiliated Owner, who, since June 1, 2003, has personally or through an affiliated person or persons already been granted or has had approved,
 - 3.3.1 600 New Irrigation Acres, where the applicant’s lands or those of others with whom the applicant is affiliated lie downstream of the Lake Newell Reservoir or the Crawling Valley Reservoir; or;
 - 3.3.2 150 New Irrigation Acres, where the applicant’s lands or those of others with whom the applicant is affiliated are located elsewhere in the District.
 - 3.4 The acres in the parcel of the Titled Unit, which the applicant seeks to have added to the Assessment Roll do not qualify as Efficiency Acres.

General Assessment Project

- 4.0 The Board will, from time to time, receive the recommendation of the Manager for General Assessment Acres to be added to the Assessment Roll. The Board shall determine, by its motion, if such Irrigation Acres or any number thereof which by the General Assessment Project it is recommended, should be added or deleted from the Assessment Roll.

Calculating Acres on Conversion

- 5.0 Irrigation Acres that are, on application, approved for transfer from one Titled Unit to another Titled Unit and that qualify as Efficiency Acres shall be subject to the conversion factors set out in this paragraph.

The Increase in Irrigation Acres (Efficiency Acres) that result from the conversion of one irrigation method to a more efficient irrigation method, resulting in acres requiring less water for each irrigated acre than the current method of irrigation, are calculated as shown on the matrix 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 Irrigation	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 Directors as provided herein.					

Definitions for the purposes of this paragraph:

- 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,
- 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,
- 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.

5.1 In an instance where an Owner applies for Efficiency Acres on multiple Titled Units which the Owner owns, all conversions may be assessed by the Manager as one application and if recommended, may be considered by the Board as one application of the Owner.

Application Requirements

6.0 In satisfaction of the provisions of Section 96 (1.1) of the Act, the Board requires all applications by Owners to have lands within their Titled Units reassessed as Irrigation Acres, except for applications for General Assessment Acres and for Efficiency Acres, to be received by the District on or before the 15th day of October in each year this resolution is applicable and to be on the prescribed form. All applications received by the District, shall be assessed by the Manager as required by the Act and this resolution and if the Expansion Limit is increased, if at all, and if the 2 year expiry period has not yet occurred, the Manager will again assess the applications having regard to the then Policy with respect to such applications and any amendments to the Act then in effect, and make his recommendation to the Board to approve or disapprove of an application.

Increase in Irrigation Acres Policy (2018)

Every application received prior to the Expansion Limit having been increased and which application is to reassess acres as New Irrigation Acres will be held by the Manager for a period of 2 years calculated from the 31st day of December in the year of receipt after which the applications will be deemed dated and destroyed.

- 6.1 An Owner, wishing to add Efficiency Acres must apply by completing the application in the prescribed form and delivering, by mail or person, the same to the office of the District any time during a calendar year or on or before such date then established by the Board of which notice has been provided the Owners. A complete application for Efficiency Acres, which has been assessed by the Manager, as required by this Resolution and the *Act* and which the Manager has recommended 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.
- 6.2 In order for an application to be considered by the Board, it must be complete in all detail.
- 6.3 An application will not be deemed to be complete if the application is made by a person who is not an Owner as defined by this Policy.

Board may Vary or Waive

- 7.0 The Board reserves the right, by its motion, to vary, alter or waive the criteria and guidelines established by this Policy when, in the opinion of the Board, a variance or waiver of any criteria or any guideline of this Policy is considered to be in the best interest of the District.

General

- 8.0 The Manager shall maintain current all records relating to Irrigation Acres that have been added or withdrawn during the reporting period together with the number of Irrigation Acres assessed each Titled Unit and any Capital Assets Charges levied with respect to same;
 - 8.1 Irrigation Acres that have been added or deleted during the reporting period along with the number of Irrigation Acres in each Titled Unit and the associated capital assets charges;
 - 8.2 Acres subject to annual agreements that have been added or withdrawn during the reporting period together with the number of acres subject to annual agreements within each Titled Unit;
 - 8.3 Acres subject to terminable agreements that have been added or withdrawn during the reporting period together with the number of acres subject to terminable agreements within each Titled Unit;
 - 8.4 Irrigation Acres that have been added or withdrawn in areas without reservoir support together with the number of Irrigation Acres within the Titled Unit geographically located in an area that does not have Reservoir Support;
 - 8.5 A total for each of the following described Acres as of the beginning and end of each reporting period:
 - o Irrigation Acres,
 - o Efficiency Acres,

- Acres subject to annual agreements;
 - Acres subject to terminable agreements.
- 8.6 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.
- 8.7 The Manager shall report to the Board under this paragraph on a quarter year basis.

Capital Assets Charges

- 9.0 The Capital Asset Charge for each Irrigation Acre added to the Assessment Roll pursuant to this resolution shall be determined in accordance with the prevailing Capital Assets Charges Bylaw. The Capital Asset Charge is a debt owing the District and will form a lien on the Titled Unit until paid.

Definitions

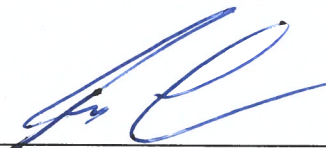
- 10.0 For purposes of this resolution, the words following when used in this resolution shall have the meaning given:
- 10.1 "Act" means the *Irrigation Districts Act*, R.S.A. 2000, c. I-11.
- 10.2 "Affiliate or Affiliated Owner" means:
- people who are affiliated with each other through marriage or who live in a common law relationship,
 - people who are affiliated as children or dependent adults,
 - companies that are affiliated by reason of the person holding an interest in such company or the person is married to or living in a common law relationship with a person who holds an interest in a company, or is a shareholder of a company which holds an interest in another company,
 - any company known to be affiliated by reason of the provisions of the *Business Corporations Act* (Alberta), or
 - a person holding a beneficial interest in any trust which owns land in a Titled Unit by its Trustee or owns land in a Titled Unit by a company in which the trust has an interest or is a shareholder
- 10.3 "General Assessment Project" means the investigation and review of the existing Irrigation Acres on Titled Units currently being undertaken by the District's administration for purposes of updating and making current the Assessment Roll of the District.
- 10.4 "General Assessment Acres" means the type of Irrigation Acres added to or proposed to be added to the assessment roll as a result of the General Assessment Project.
- 10.5 "Efficiency Acres" means for the purpose of this resolution, those dry land acres now existing within a Titled Unit which may be sustainably and successfully irrigated using the irrigation water conserved or saved on other lands within the Titled Unit because of the conversion of the existing method of irrigation to a more efficient method of irrigation.
- 10.6 "Irrigation Acres" has the same meaning as set out in the Act.

- 10.7 "Irrigator" means an Owner or Affiliated Owner of a Titled Unit on which there exists land assessed on the District's assessment roll as Irrigation Acres for all purposes under this resolution.
- 10.8 "Owner" means a *bona fide* purchaser for value whose name is shown as the owner of the fee simple estate of land described by Certificate of Title, registered at a Land Titles Office of the Province, which lands form the subject matter of any application under this resolution and is a person who can rely on a Certificate as evidence of ownership because the Owner did not participate or collude in fraud as described by the *Land Titles Act* (Alberta).
- 10.9 "Titled Unit" means a parcel of land for which a Certificate of Title has issued by a Land Titles Office in the Province of Alberta pursuant to the provisions of the *Land Titles Act* (Alberta).

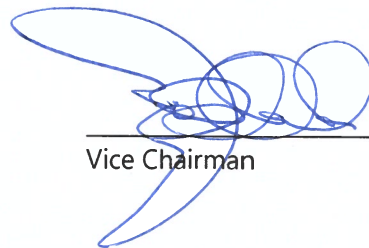
Gender

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

All of which was resolved by majority of the Board of Directors this **30th** day of **October, 2018** as evidenced by the signatures of the Chairman and Vice Chairman below appearing.



Chairman



Vice Chairman