

Agricultural Crown Lands

POLICY TITLE Unauthorized Water Control Works or Structures on Agricultural Crown Lands

BRANCH Sustainable Agriculture
DIVISION Agriculture Production, Innovation & Resilience
Policy Number ACL 23-17
Effective Date January 1, 2024, until rescinded or amended
Replaces Policy 401-10 Unauthorized Water Control Works or Structures Placed on Agricultural Crown Land
ADM/Director Patti Rothenburger/Andrea McLean

Approved By June 17, 2025 - Original signed by:

Brenda DeSerranno, Deputy Minister-MB Agriculture

Policy Objective:

To establish a method for charging rehabilitation costs for restoring the natural landscape following unauthorized water control works as defined in The Water Rights Act or any other unauthorized structures found on agricultural Crown lands.

Relevant Legislation, Regulation, and Agreements:

Section 3(1) of the Water Rights Act C.C.S.M. c. W80 restricts the control of water or the development or installation of control devices without a licence.

Section 18.4 of the Water Rights Act C.C.S.M. c. W80 enables Manitoba to initiate remediation of unauthorised water control works and recover costs from any person responsible for the works.

Policy

- 1) On unoccupied agricultural Crown land, costs of rehabilitation will be charged to persons proven to have initiated the unauthorized activity. Investigation and enforcement actions will be undertaken by Manitoba Environment and Climate Change (ECC) and by Manitoba Agriculture using appropriate legislation and will be treated as unauthorized possession of Crown land.
- 2) Should someone else initiate works on the leased or permitted lands, the lease or permit holder is responsible for unauthorized water control works or structures on leased or permitted lands unless they notify Manitoba Agriculture or Manitoba Environment and Climate Change.
- 3) On lands occupied by a lease or permit holder, the cost of rehabilitation will be addressed as follows:

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- a) The lease or permit holder will be asked to identify the person who constructed the unauthorized water control works or structures.
- b) If the lease or permit holder initiated the work, they may apply for a license. If the license is denied, Manitoba will issue an Order for the lease or permit holder to rehabilitate the land by a specific date, at their own cost, and according to the standards provided by Manitoba Agriculture.
- c) If the lease or permit holder does not complete the work as specified in the Order, ECC may hire a contractor to finish the work and charge the cost to the lease or permit holder. If the lease or permit holder does not pay ECC within thirty (30) days, ECC will invoice Manitoba Agriculture for the completed work. This will enforce the indemnity requirement on the lease or permit holder. Subsequently, Manitoba Agriculture will direct the Real Estate Services Branch to invoice the lease or permit holder.
 - i) The invoiced amount, when collected, will be applied to the lease or permit holder's account.
 - ii) The lease or permit holder may request that the invoice payments be divided into annual payments of no less than \$3,000. Interest will be charged on the outstanding balance.
 - iii) If an invoiced amount has not been paid before the end of the annual billing period, the lease or permit may be cancelled for non-payment.