

SEP — 8,  
2006 ●

The Rural Municipality of  
Piney P.O. Box 48  
Vassar MB ROA 210

Attention: R. Preteau, Chief Administrative Officer

Dear Mr. Preteau:

This letter is in response to your May 12, 2006 letter to Minister Steve Ashton and its enclosed By-Law No. 45/06: *Being a By-Law of The Rural Municipality of Piney to Regulate Large-Scale Removal of Water From the Municipality*. The by-law purports to prohibit the removal of ground or surface water from the municipality "by means of pipeline, tanker truck or other equivalent bulk method."

Departmental officials have reviewed the by-law with legal counsel in Manitoba Justice, and we are of the opinion that the Municipality has no legal authority to make a by-law of this effect and therefore the by-law is of no force or effect, as it is inconsistent with *The Water Rights Act*. *The Water Rights Act* provides that all property interests in groundwater and surface water in Manitoba is vested in the Provincial Crown. *The Water Rights Act* prevails over all municipal by-laws. Groundwater and surface water in Manitoba are managed and allocated by the Department of Water Stewardship on behalf of the Government of Manitoba.

Please feel free to direct any questions or communication about this issue to Mr. Robert Matthews, Manager, Water Licensing, Manitoba Water Stewardship, 200 Saulteaux Crescent, Winnipeg, MB, R3J 3W3, telephone 945-6118.

Yours  
sincerely,  
*ORIGIN J 177 J ~< n y*  
.....Cl.J.t.S

Gerry Berezuk  
Deputy Minister

c: Honourable Steve Ashton  
Mr. Don Cook  
A/Deputy Minister of Conservation  
Ms. Linda McFadyen, Deputy Minister of  
Intergovernmental Affairs

bc: D. Norquay; S. Topping; G. Harmon; K. Wright

KJW:GB:EF:eb