



Fact Sheet

The Saskatchewan Watershed Authority is a provincial Crown corporation that has been established to manage, administer, develop, control and protect the water, watersheds and related land resources of Saskatchewan. Included in this mandate, the Saskatchewan Watershed Authority has the responsibility for administering the resolution of water disputes.

Right to File a Complaint

Any person who claims to have suffered or anticipates suffering any damage, loss or injury caused by construction, extension, alteration, or operation of any drainage works may file a written complaint with the Saskatchewan Watershed Authority. The Saskatchewan Watershed Authority's investigation will focus on verifying if works are present, the effect on the timing and volume of surface water flows and deciding if the impact will cause or is anticipated to cause significant damage. The Saskatchewan Watershed Authority does not have powers to determine liability or award damages or other compensation with respect to a complaint.

Complaint Process

The procedure for the filing and handling of complaints is outlined in Sections 79 to 88 of *The Saskatchewan Watershed Authority Act, 2005*. The legislation provides a framework for a process which encourages early resolution of complaints before a formal process is initiated. If the complaint cannot be resolved in the initial phase of the investigation, a formal complaint may be filed. The following outlines the procedure for the filing and the handling of complaints:

Request for Assistance in Resolving a Complaint

- Before a complaint is accepted, an individual must demonstrate to the Saskatchewan Watershed Authority that a reasonable effort has been made to resolve the problem through recent contact with the person or party considered responsible.
- If the problem is not resolved through contact with the party considered responsible (the respondent), you (the complainant) can submit a written request to the Saskatchewan Watershed Authority for assistance in resolving the complaint. This request must include the following information:
 - the name of the person or authority that the complainant considers to be responsible for the cause of the complaint;
 - the complainant's efforts to resolve the complaint through contacts with the person or authority that the complainant considers to be responsible for the cause of the complaint;

- the location of drainage works the construction, extension, alteration or operation of which the complainant claims has caused or will cause injury, loss or damage;
 - the injury, loss or damage suffered or anticipated.
- A “Request for Assistance in Resolving a Complaint” form is available from your nearest Saskatchewan Watershed Authority Regional Office to assist in providing the required information to initiate the complaint process.
 - Upon receipt of a written request, the Saskatchewan Watershed Authority will conduct a preliminary investigation and issue either a written recommendation for resolving the complaint or dismiss the complaint with written reasons. The recommendation would be non-binding on the parties to the complaint.
 - In certain cases, the Saskatchewan Watershed Authority may recommend mediation or arbitration to resolve the complaint.

Formal Complaint Process

- If the complainant is not satisfied with the recommendation of the Saskatchewan Watershed Authority or if the person or authority that the complainant considers to be responsible for the cause of the complaint does not implement the recommendations, the complainant may file a formal complaint. The formal complaint can be initiated by completing and filing a prescribed complaint form with a Saskatchewan Watershed Authority regional office, along with a filing fee of \$200. The filing fee is not refundable unless the complaint is withdrawn prior to the Saskatchewan Watershed Authority rendering a Decision on the complaint.
- A formal complaint can only be filed once the Saskatchewan Watershed Authority has completed its preliminary investigation and provided a recommendation. If the complaint is dismissed through the preliminary investigation process, a formal complaint cannot be filed with the Saskatchewan Watershed Authority.
- A complainant can only name one respondent per complaint form. If a person is being impacted by works located on more than one parcel of land owned by different respondents, a separate complaint form must be filed against each landowner. Complaint forms are available from any of the Saskatchewan Watershed Authority regional offices.
- The complaint form provides space for a sketch plan. This drawing shows legal boundaries and land descriptions, and specifies the location of the works being complained against and the areas being impacted. If available, attach photograph(s) to support significant damages. Indicate where and when the photograph was taken.
- In some cases, the party filing a complaint may be leasing the land being impacted. In this situation, the Saskatchewan Watershed Authority requires that proof of landowner support be provided, either in the form of the landowner’s signature on Page 4 of the complaint form, or on an accompanying written document.

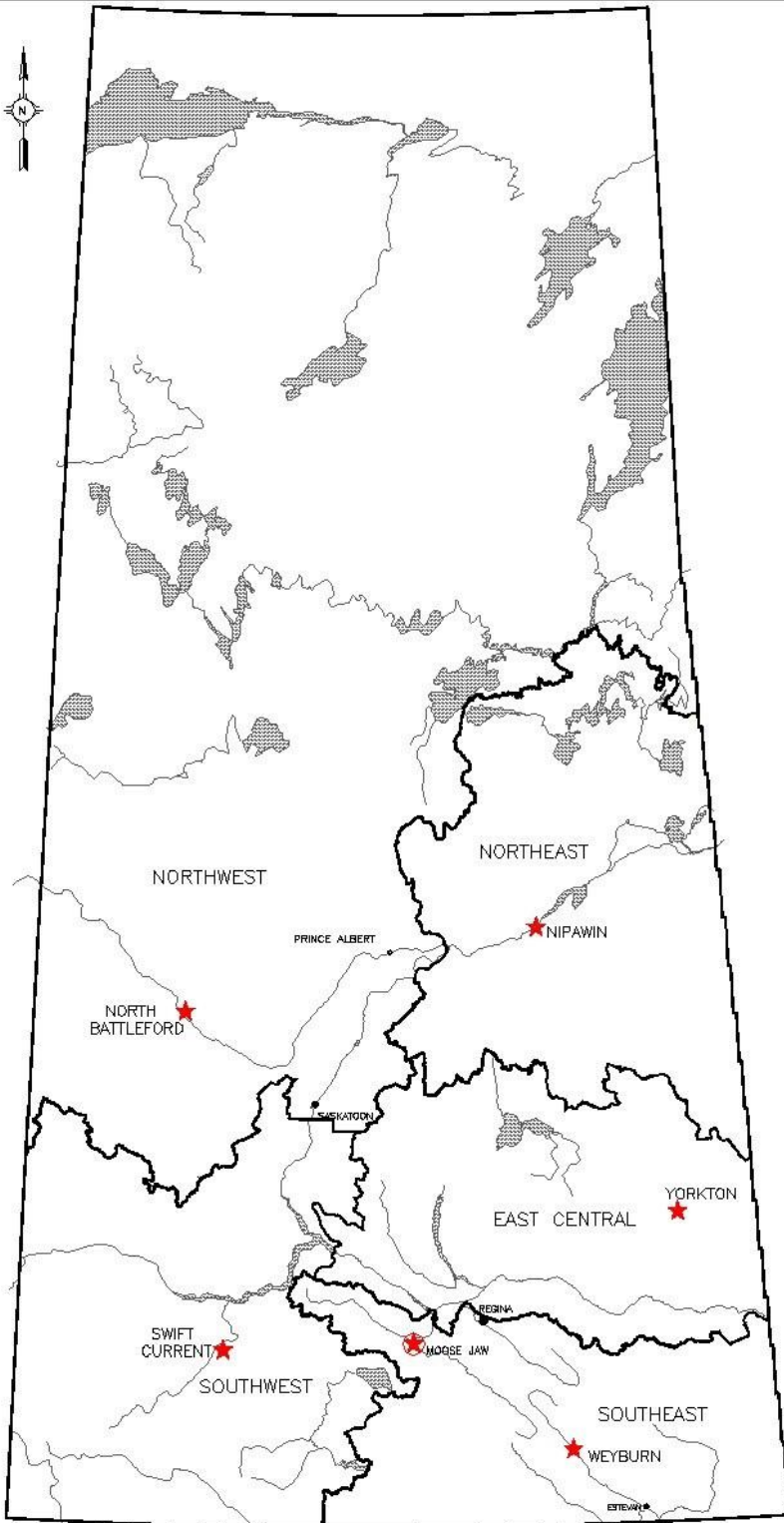
- When a complaint form and deposit are received and the complaint form is reviewed for completeness and validity, the Saskatchewan Watershed Authority will, within 30 days of the receipt of the complaint, serve a Notice of Filing of the Complaint on the respondent and any other party the Saskatchewan Watershed Authority believes may be directly impacted by the complaint. A copy of the Notice is also provided to the complainant(s).
- On receipt of a formal complaint, the Saskatchewan Watershed Authority may register an interest against the title on which the drainage works complained against are located. This registration binds future landowners to the obligations arising from the complaint.
- As soon as possible after the issuance of a Notice of Filing of the Complaint, the Saskatchewan Watershed Authority will contact the complainant and the respondent to set up a time to begin the investigation. The investigation will include interviews with the parties to the complaint, field inspections and preparation of a report. If necessary the Saskatchewan Watershed Authority will complete surveys, plans, hydrology studies and review aerial photographs. The timing for the completion of the investigation and rendering of a Decision depends on the availability of staff resources and the complexity of the situation. The Saskatchewan Watershed Authority goal is to render a Decision within 18 months from the date of filing the complaint.
- At any time, subsequent to the filing of a complaint but before a Decision is rendered, a complainant may withdraw the complaint. To do so, the complainant must submit a written request to the Saskatchewan Watershed Authority requesting the complaint be withdrawn. The filing fee will be refunded upon acceptance of a request to withdraw a complaint.
- Upon completing the investigation, the Saskatchewan Watershed Authority will render a Decision on the complaint. If corrective action is required, an Order will be issued that requires a specified action to be undertaken within a given time frame. If the Order issued by the Saskatchewan Watershed Authority is not complied with by the specified time frame, the Saskatchewan Watershed Authority has the authority to carry out the work ordered and recover the costs of undertaking the work from the individual failing to comply with the Order.
- Subject to the outcome of any appeal, the Saskatchewan Watershed Authority may register an interest based on the Order against the title for the land on which the drainage works complained against are located. The Order to close, remove, or otherwise render works inoperable is binding upon any future owners or occupants of the land. The landowner is required to maintain the terms of the Order until such time modifications or other activities occur that meet the requirements under *The Saskatchewan Watershed Authority Act, 2005* and permit the issuance of an approval.

Right to file an appeal

Under Section 84 of *The Saskatchewan Watershed Authority Act, 2005*, any party to the complaint has the right to appeal a Decision or Order made by the Saskatchewan Watershed Authority relating to the complaint. The appeal is scheduled and heard by the Water Appeal Board, as authorized under *The Water Appeal Board Act*. The Notice of Appeal must be filed within 30 days of the date of the Saskatchewan Watershed Authority's Decision and Order, and must be accompanied by the \$200.00 fee.

- The Water Appeal Board may stay any action, Decision, or Order of the Saskatchewan Watershed Authority that is appealed to the Board. The stay may remain in effect until the Board hears the appeal and renders a Decision. If the Water Appeal Board does not grant a stay, the provisions of the Saskatchewan Watershed Authority Decision and Order may be implemented.
- The Water Appeal Board will schedule a hearing to allow all affected parties to be heard. Evidence provided at a Water Appeal Board hearing is under oath. Following the hearing, the Water Appeal Board will render a Decision.
- The Water Appeal Board registers their decision with the court. Decisions and Orders by the Water Appeal Board may be appealed to the Court of Queen's Bench on a point of law within 30 days of the Decision. If the appellant does not obtain a stay of proceedings from the Court of Queen's Bench within 30 days following the filing of the appeal, the Saskatchewan Watershed Authority may enforce the Water Appeal Board Decision.

Complaint forms may be obtained and filed with the appropriate fee at the following Saskatchewan Watershed Authority offices:



Head Office..... (red star with circle)
 Regional Offices..... (red star)

**Saskatchewan Watershed Authority
 Head Office**

Victoria Place
 111 Fairford Street East
 Moose Jaw, SK S6H 7X9
 Phone: (306) 694-3900
 Fax: (306) 694-3944

Southeast Area

**Saskatchewan Watershed Authority
 Weyburn Regional Office**

Box 2003
 3rd Floor, City Centre Mall
 110 Souris Avenue
 Weyburn, SK S4H 2Z9
 Phone: (306) 848-2345
 Fax: (306) 848-2356

Southwest Area

**Saskatchewan Watershed Authority
 Swift Current Regional Office**

Box 5000
 3rd Floor, E.I. Wood Building
 350 Cheadle Street West
 Swift Current, SK S9H 4G3
 Phone: (306) 778-8257
 Fax: (306) 778-8271

East Central Area

**Saskatchewan Watershed Authority
 Yorkton Regional Office**

2nd Floor, 120 Smith Street East
 Yorkton, SK S3N 3V3
 Phone: (306) 786-1490
 Fax: (306) 786-1495

Northeast Area

**Saskatchewan Watershed Authority
 Nipawin Regional Office**

Box 2133
 201 - 1st Avenue East
 Nipawin, SK S0E 1E0
 Phone: (306) 862-1750
 Fax: (306) 862-1771

Northwest Area

**Saskatchewan Watershed Authority
 North Battleford Regional Office**

402 Royal Bank Tower
 1101 - 101st Street
 North Battleford, SK S9A 0Z5
 Phone: (306) 446-7450
 Fax: (306) 446-7461

General information about the Saskatchewan Watershed Authority, our programs, Fact Sheets and forms can be found on our website at www.swa.ca.